

Section 95

Criminal Justice Act 1991

*Race and the*  
**Criminal Justice System:  
An overview to the  
complete statistics  
2002–2003**

The Institute for Criminal Policy Research  
School of Law  
King's College London

June 2004

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# Criminal Justice Act 1991 section 95

- (1) The Secretary of State shall in each year publish such information as he considers expedient for the purpose of:
1. enabling persons engaged in the administration of justice to become aware of the financial implications of their decisions; or
  2. facilitating the performance of such persons of their duty to avoid discriminating against any persons on the ground of race or sex or any other improper ground.
- (2) Publication under subsection (1) above shall be effected in such a manner as the Secretary of State considers appropriate for the purpose of bringing the information to the attention of the persons concerned.

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Ian Hearnden  
Mike Hough

May 2004

# Foreword

We are all pleased to see the development of a new and improved approach to the publication of Section 95 statistics. Previously the statistics, although very useful, have not had a comprehensive guide to add meaning to the figures. We see this document as providing a useful narrative to the statistical material that has been published.

The statistics show a stark contrast between the experience of White and Black and Minority Ethnic people in some areas of the Criminal Justice System. They do not show, however, some areas where there have been qualitative improvements and where work to improve confidence, for example is beginning to take effect. This is a complex area with a number of factors involved and it is clear that the statistical data is less effective when published on its own. We hope that this overview provides an insight into those areas where action to deal with inappropriate discrimination is taking place and to those areas where further work is required.

This work is the first step towards further reform of the statistics. A root-and-branch review of what we collect and how we use it is taking place at the moment. We are consulting with users on how we might want to develop the statistics into a tool that can be used locally to diagnose problems, improve and manage performance and which highlights areas of good practice. Clearly we will still need to collect data nationally but justice is delivered at a local level and those on the front line must be able to access the data in a format in which they too can make best possible use of it.

It is clear that there is a will to move forward on these issues. We believe that with the review of the statistics and the work being taken forward by the recently established Criminal Justice System Race Unit we can drive improvements in quality and local management both internally, in terms of employment and also externally, in terms of our service delivery. We know that there are areas where further work is required but by working together we believe it is possible to deliver a modern, fair, and effective criminal justice system.

Secretary of State for Constitutional Affairs



Attorney General



Home Secretary



# Summary

This report summarises what is known about Black and Minority Ethnic (BME) groups' experience of, and attitudes towards, crime and justice in England and Wales. Its aim is to shed light on the complex issues of why the experiences of different ethnic groups of the criminal justice system vary and whether this may be due to discrimination. The report draws on statistics published under section 95 of the Criminal Justice Act 1991, and other relevant research. Fuller findings are available in a separate report, 'Statistics on Race and the Criminal Justice System 2003'<sup>i</sup>.

## Black and Minority Ethnic groups in England and Wales

- In 2002/03 around 91% of the population of England and Wales was White. The Black population stood at around 2% of the population; Asian people represented 4.5% and people of Mixed origin represented 1.5%. Other BME groups accounted for the remaining 1%.
- Several BME groups are significantly disadvantaged compared to White groups. Black Caribbean, Bangladeshi and Pakistani groups suffer a range of severe forms of disadvantage, as do Black African groups, but to a lesser degree.
- The BME population is comparatively young. This is important, since young people are more likely than others to be involved in crime both as victims and as offenders.
- Trust in political institutions is higher amongst BME groups than White people. However, those from BME groups are less attached to their neighbourhoods, and less trusting of their neighbours.

## Experience as users of the criminal justice system

- Whilst BME groups have historically faced higher crime risks than White people, the gap is narrowing, according to the British Crime Survey (BCS).
- Asian people have slightly higher victimisation rates, but this is a function of the relative youth of the Asian population.
- People of Mixed ethnic origin are much more likely than others to be victims.
- The trend in racially motivated incidents is down, according to the BCS – suggesting that the rise in police figures is a function of improved reporting and recording.
- Homicide statistics point to a serious problem of gun crime within a narrow section of the young Black male population. More research is needed on this.
- There is little difference in usage of the police between ethnic groups, although White people seem more likely to report disturbances and to provide the police with information.

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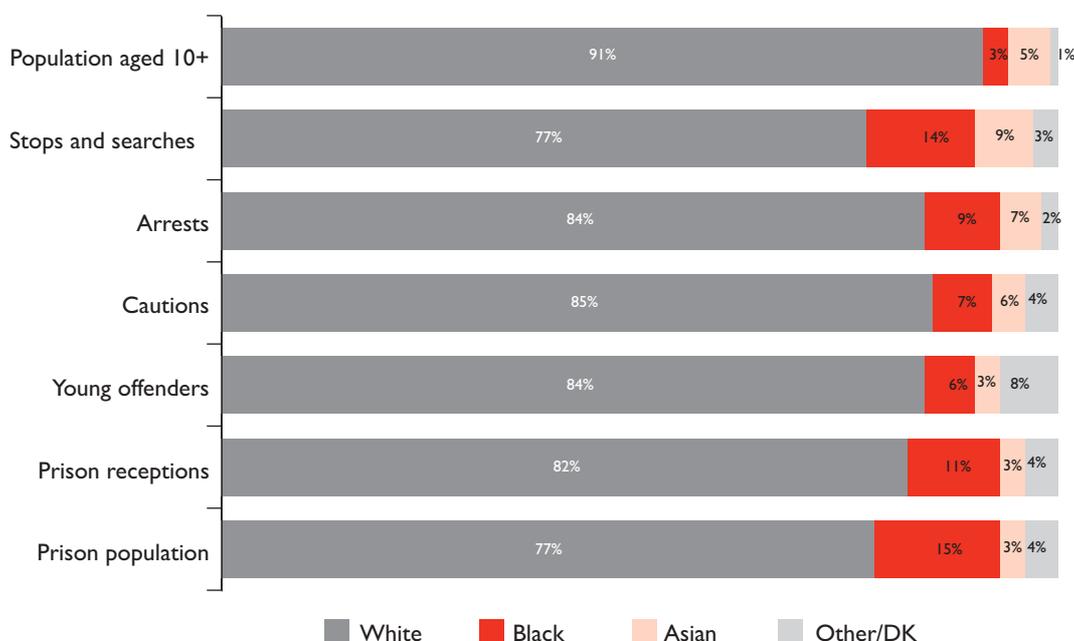
<sup>i</sup> The report has been published in tandem with 'Statistics on Race and the Criminal Justice System 2003' (Home Office, 2004a). Unless otherwise noted, all figures presented in this digest are derived from the full report.

## Experience as suspects, defendants and prisoners

Surveys of the general population suggest that there is little difference between ethnic groups in offending rates. Statistics from the criminal justice system point to disproportionate representation of some BME groups. It seems likely that self-report surveys – which do not indicate this – accurately reflect the picture for the generality of the population, whether from White or BME groups. By contrast, the statistics of criminal justice agencies reflect differences that relate to the small minorities of people in each ethnic group who are extensively involved in crime.

- In 2002/03 the search rate per 1,000 population for searches under s1 of the Police and Criminal Evidence Act 1984 was six times higher for Black people than for White people.
- The s1 stop and search rate per 1,000 population for Asian people was almost twice that for White people.
- The search rate for Black and Asian people under s44 of the Terrorism Act 2000 was between four and five times that for White people.
- Numbers of s1 searches rose by 22% from 2001/02. Searches conducted under s44 and s60 of the Crime Justice and Public Order Act 1994 more than doubled.
- Numbers of arrests per 1,000 population were over three times higher for Black people than for others. Other BME groups are slightly over-represented.
- Only limited data are available on the number of prosecutions and findings of guilt broken down by ethnic group.
- Numbers of prison sentences per 1,000 population were over four times higher for Black people than for White people. Asian people were under-represented.

**FIGURE I**  
**Representation of ethnic groups at different stages of the criminal justice process, England and Wales, 2002/03**



- Notes: 1. Population figures derived from 2001 Census.  
 2. Stops and searches recorded by the police under s1 of PACE and other legislation.  
 3. Source: Home Office (2004).  
 4. Percentages do not sum to 100% due to rounding.

## **Working in the criminal justice system**

- BME groups are becoming better represented in most criminal justice agencies.
- Despite improvements, the police service remains the agency with the poorest representation of BME groups.
- BME staff still rarely occupy senior posts in criminal justice agencies.

## **Confidence in the criminal justice system**

- People from BME groups are more likely than others to worry about burglary, car crime and violent crime.
- People from BME groups rate the criminal justice system as more effective than White people, but are less likely to regard the system as fair.
- Black people in particular are likely to express less confidence in the fairness of the police, and are much more likely to have made a complaint against the police.

## **What is being done to tackle discrimination in the justice system?**

A great deal has been done to address problems of disproportionality and discrimination in the justice process, especially in the wake of the report of the Stephen Lawrence Inquiry. More work is planned, and the interdepartmental Criminal Justice System Race Unit will play a central role in co-ordinating this work. Further details are set out in Chapter 6.

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## Chapter 1:

# Introduction

This paper summarises what is known about Black and Minority Ethnic (BME) groups' experience of, and attitudes towards, crime and justice in England and Wales. In large part it summarises statistics published annually under section 95 of the Criminal Justice Act 1991<sup>1</sup>, but it also draws on relevant research. It covers people's experience as victims of crime, their experience as suspects and defendants and their attitudes to the system. It also examines the extent to which BME groups are employed in criminal justice agencies.

Over the last two decades it has become increasingly clear that people from some BME groups are more likely than the White population and than other BME groups to be:

- stopped and searched
- arrested
- prosecuted
- imprisoned.

It is also clear that some BME groups face greater than average risks of becoming victims of crime.

Historically, members of BME groups have been under-represented in all grades as employees in the Police and Prison Services and in senior posts throughout criminal justice agencies. Not surprisingly, members of some BME groups have tended to have less confidence in key parts of the criminal justice system than the rest of the population.

It is important to understand the processes that lead to these patterns of disproportionality in experience and difference in attitudes, for several reasons:

- It is essential to guard against, and correct for, discrimination.
- It is necessary to improve confidence in justice and thus foster the legitimacy of the criminal justice system (CJS), especially amongst those who distrust the system most.
- The experience of people from BME groups can prove a good indicator of the system's capacity for treating all people well or badly.

In short, any criminal justice system will only work well if it works fairly, and much of the material presented in this report addresses issues about fairness. However, the issues are complex. Some BME groups are more affluent, on average, than the White majority. Most are not. Experience of crime – both as victim and offender – is shaped by patterns of inequality and disadvantage. The British Crime Survey has shown that crimes against both the person and property are concentrated in the most deprived neighbourhoods<sup>2</sup>. Many deprived neighbourhoods are characterised by high concentrations of

BME households<sup>3</sup>. This does not indicate causation. However, it illustrates that it is essential to examine ethnic differences in experience of crime and justice in the context of broader social and economic inequality.

## **Black and Minority Ethnic groups in England and Wales**

The main classification of ethnic groups used within the criminal justice system in 2002/03 was a fourfold one, comprising Asian, Black, White and Other groups. However, as discussed below, a fivefold one that includes a Mixed category is now being introduced.

In 2002/03 around 91% of the population of England and Wales was White. The Black population stood at around 2% of the population; Asian people represented 4.5%; those of Mixed origin comprised 1.5%; and Other BME groups accounted for the remaining 1%<sup>4</sup>. Within each of these groups, there are wide socio-economic and cultural differences, of course. For example the Black group will include recent arrivals from various African countries as well as people of African-Caribbean origin whose families have lived in this country for three generations or more. The Asian group refers to people of South Asian origin; within this Indian people are the largest sub-group, followed by people of Pakistani and Bangladeshi origin. The largest group within the Other category are Chinese. Nor, of course, is the White group a homogeneous one. It includes the Irish, Welsh and Scottish, as well as a growing number of migrants from mainland Europe.

The BME population has grown by over 50% since 1991<sup>5</sup>. This population is comparatively young: over a third of Bangladeshis and Pakistanis are under the age of 16, compared with one in five of White people<sup>6</sup>. This is an important consideration when examining differences in experiences of the criminal justice system, since young people (and in particular males in their late teens and early twenties) are more likely than others to be involved in crime, both as victims and as offenders.

BME groups as a whole are significantly disadvantaged compared to White groups, though there is considerable variation between groups. In general, Chinese and Indian groups show little or no economic disadvantage relative to White groups, though Black Caribbean, Bangladeshi and Pakistani groups suffer a range of severe forms of disadvantage, as do Black African groups, but to a lesser degree<sup>7</sup>.

### **Income and earnings**

Britain's BME groups are twice as likely to be unemployed as White people<sup>8</sup>. But within this overall picture, large differences exist. Unemployment among the economically active is high for Black Caribbean, Bangladeshi, Pakistani and Black African groups, but low for Indian and Chinese people.

Reflecting employment patterns, the average household income in most BME groups is below that of White households. A quarter of the latter have incomes at or below the national average; by contrast, four-fifths of Pakistani and Bangladeshi households and about two-fifths of households from other BME groups have incomes at or below the national average.

Some BME groups, notably Black Caribbean, Black African and Bangladeshi groups, are concentrated in areas of deprivation, and tend to be trapped in these areas as a consequence of historical patterns of discrimination in housing, limited job opportunities and poor transport<sup>9, 10</sup>. However, there is also good evidence<sup>11</sup> that discrimination plays a direct role in limiting their economic opportunities.

## Education

Data from the Pupil Level Annual Schools Census (PLASC)<sup>12</sup> on the number of GCSEs gained in maintained schools in 2002 show that students from Chinese and Indian backgrounds register significantly above average exam results. Black pupils and those from Bangladeshi and Pakistani backgrounds achieve poorer GCSE results than other groups. Despite encouraging evidence that many pupils from BME groups have benefited from the Department for Education and Skills focus on standards, there remains an unacceptably wide achievement gap for many Black, Pakistani and Bangladeshi pupils.

## Health

The 1999 Health Survey for England<sup>13</sup> showed that some BME groups had much poorer than average health. Overall, Pakistani and Bangladeshi people were three to four times more likely than the general population<sup>14</sup> to describe their health as bad or very bad. Indian, Pakistani and Irish people faced elevated risks of heart problems. Black Caribbean, Bangladeshi and Indian men were more at risk of strokes. Risk of diabetes was higher for almost all BME groups, and especially high for those of Bangladeshi origin.

These patterns of disadvantage in health are attributable to a large degree to the economic disadvantage described above. Recent research<sup>15</sup> has also found that compulsory admissions to psychiatric hospitals were higher for Black people than for White people, with the gap especially wide for males.

## Trust, 'belonging' and prejudice

Trust in political institutions is higher amongst BME groups than White people, according to the Home Office Citizenship Survey<sup>16</sup>. However the survey shows that those from BME groups are less attached to their neighbourhoods, and less trusting of their neighbours.

The Citizenship Survey also found that people from all ethnic groups are more likely to regard racial prejudice as worsening than improving; White groups are more likely to hold this view than those from BME groups. These findings are complex to interpret, as they could simply reflect changes in tolerance or awareness rather than real changes. Whatever the case, those from BME groups expect to receive worse treatment than others from public sector organisations.

## Defining terms

Most people are familiar with overt racism as a concept, and a recent survey has suggested that the majority<sup>17</sup> of those from BME groups will have had some direct experience of it. Cultural change, supported by legislation, has done much over the last half-century to make overt racism less socially acceptable. This may have discouraged racism, but it may also have transformed overt expressions of racism into covert ones. Whether overt or covert, individual racism of this sort is the expression of personal prejudice. There are also forms of unwitting individual racism that arise through thoughtlessness or ignorance.

Of central importance for this report are ways in which organisations, rather than individuals, can operate in ways that are discriminatory. The Race Relations Act 1976, as amended by the Race Relations (Amendment) Act 2000, distinguishes between direct and indirect discrimination. *Direct discrimination* arises where a person treats another less favourably on grounds of their 'race', ethnicity, culture, religion or language. *Indirect discrimination* refers to treatment that might be described as equal (or 'race-neutral') in a formal sense, but is discriminatory in its actual effect on a particular group<sup>ii</sup>.

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ii For example, several ethnic groups were potentially disadvantaged by the now-abolished requirement that all police entrants should be of a minimum height.

It is important not to equate *disproportionate outcomes with discrimination*<sup>18</sup>. For the purposes of this report, identifying disproportionate outcomes is a necessary but not sufficient step towards establishing discrimination. The next step is to assess the extent to which differences can be explained by legitimate factors. Indirect discrimination occurs when an apparently race-neutral provision, criterion or practice puts members of an ethnic group at a particular disadvantage *without adequate justification*.

The domestic legislation on racial discrimination is now supported by the Human Rights Act 1998, which incorporated the European Convention on Human Rights into British law. Article 14 of the Convention, in conjunction with other Articles, prohibits discrimination on grounds that include race, colour, language, or religion. Case law has established that differential treatment of individuals or groups is discriminatory if it cannot be justified by legitimate aims (as with existing legislation) or if the differential treatment is disproportionate to the aim pursued.

The term *institutional racism* is sometimes used to refer to indirect discrimination. The Stephen Lawrence Inquiry defined institutional racism as:

....The collective failure of an organisation to provide an appropriate and professional service to people because of their colour, culture, or ethnic origin. It can be seen or detected in processes, attitudes and behaviour which amount to discrimination through unwitting prejudice, ignorance, thoughtlessness and racist stereotyping which disadvantage minority ethnic people.

Statistics such as those presented in this report can establish the presence of disproportionate outcomes, but they cannot in themselves determine whether any such disproportionality amounts to discrimination. They simply offer *prima facie* evidence of discrimination which has to be examined further to establish whether the processes underlying the disproportionality can be regarded as legitimate.

Assessing whether observed disproportionality in the criminal process amounts to discrimination can involve complex and ultimately political and legal judgements. BME groups each have distinctive histories of integration into British society. For example, the relationships today between Black youths in inner cities and the police are inevitably toned by several historical factors, such as:

- the overt discrimination to which previous generations were exposed<sup>19</sup>
- the resultant tensions and mutual suspicion between police and Black people<sup>20</sup>
- the limited social and economic opportunities open to these previous generations<sup>21</sup>
- the consequent processes of social exclusion that affected later generations<sup>22</sup>.

Failure to recognise the importance of these histories will result in a failure to address tensions between criminal justice agencies and a range of BME groups.

## Statistics on ethnicity and criminal justice

Over the last decade, the main classification of ethnic groups used within the criminal justice system has been a fourfold one, with Asian, Black, White and Other groups.

Increasingly, however, people are inclined to define themselves as being of Mixed ethnic origin, and this was one of the factors that led the 2001 Census to revise its system of classification. It offered people sixteen ethnic categories from which to choose, including four Mixed ones: White and Black Caribbean, White and Black African, White and Asian, and Other Mixed background.

The sixteen categories can be regrouped into five: Asian, Black, White, Mixed, and Other. This new five-group approach has also been adopted by government departments and by the police, prison and probation services. However the sixteen-group classification is still the most widely used, and was the basis for many of the statistics for 2002/03. This report sometimes uses the fourfold classification, and sometimes the fivefold one. Where statistics on suspects and offenders are presented, the fourfold one is unavoidable, as agencies have not moved fully to the five-group system; where the fivefold one can be used, we have done so. Findings drawn from the 2002/03 British Crime Survey (BCS), a large household sample survey, follow the new classification. The quality and timeliness of some of the statistics on ethnicity remains patchy. There are significant gaps in sentencing and probation data. The police face a specific problem, in that it is sometimes impractical to secure suspects' or arrestees' cooperation in self-classifying their ethnicity.

This report is centrally concerned with issues of proportionality. We are concerned first with differences between ethnic groups in risks of victimisation. The primary source here is the BCS, though we also draw on police statistics for selected offences.

In examining disproportionality amongst suspects, defendants and offenders, we first examine the (quite limited) studies of offending that rely on surveys of self-reported accounts<sup>iii</sup>. We also assess what can be said on the basis of the British Crime Survey, which asks crime victims about the ethnicity of 'their' offender. Next, to examine disproportional treatment within the criminal process, we combine workload statistics for each criminal justice agency, which show the numbers of people dealt with at each stage of the criminal justice process, with population statistics, broken down by ethnic group<sup>iv</sup>.

The population statistics used in this report are drawn from the 2001 Census, but are uplifted to take account of population change as indicated by mid-year estimates. The proportions of the population in each ethnic group as found in the Census have then been applied to the uplifted population figures. It should be emphasised that previous Section 95 reports used population figures based on the 1991 Census. Towards the end of the decade these probably undercounted BME groups to a large degree<sup>v</sup>. Certainly, the figures used here are higher than hitherto. The main effect of this change is to reduce the extent – though not the patterns – of disproportionality observed between BME and White groups in their experience of the criminal process.

This report draws extensively on a fuller report, published in parallel: 'Statistics on Race and the Criminal Justice System 2003'. Unless otherwise noted, all figures presented here are derived from the fuller report.

iii Self-report surveys ask people – usually young people – about their offending.

iv This enables standardised comparison of, for example, the number of stops and searches for each ethnic group per 1,000 population in that ethnic group. In aggregating population statistics, the Mixed categories were redistributed as follows: 'White and Black Caribbean' and 'White and Black African' are counted as Black; 'White and Asian' are counted as Asian; and all others are allocated in the Other group.

v The overall population figures in recent Section 95 reports were based on the 1991 census, updated from mid-year population estimates. The proportions of BME groups in the population were drawn from the Labour Force Survey (LFS) or the 1991 census. Using the LFS for 2002/3 provides estimates that in some police force areas are substantially below those of the Census – which in themselves are highly unlikely to be over-estimates. For this reason, the BME proportions recorded by the Census in 2001, rather than the LFS, have been used here.

## The shape of this report

Chapter 2 examines differences among all ethnic groups in their experience as victims of crime. Chapter 3 examines experience as suspects, defendants and prisoners in the criminal process. Chapter 4 summarises information about the ethnic breakdown of staff working in different parts of the criminal justice system. Chapter 5 presents survey data on perceptions of the criminal justice system and on people's confidence in the process. Chapter 6 summarises government initiatives to tackle disproportionality.

## Chapter 2:

# Experience as users of the criminal justice system

People seek the services of criminal justice agencies for various reasons. The most obvious reason for contact is to notify the police of a crime. However people also contact the police for a range of reasons unrelated to crime, and some will have contact with other parts of the criminal justice system, for example as witnesses and jurors.

### Experience as crime victims

The main source of information about the risks of crime that different groups face is the British Crime Survey (BCS), a large sample survey that asks people in detail about their experience of crime in the last twelve months. The 2002/03 BCS uses the new 2001 Census classification of ethnicity that includes a 'Mixed' category.

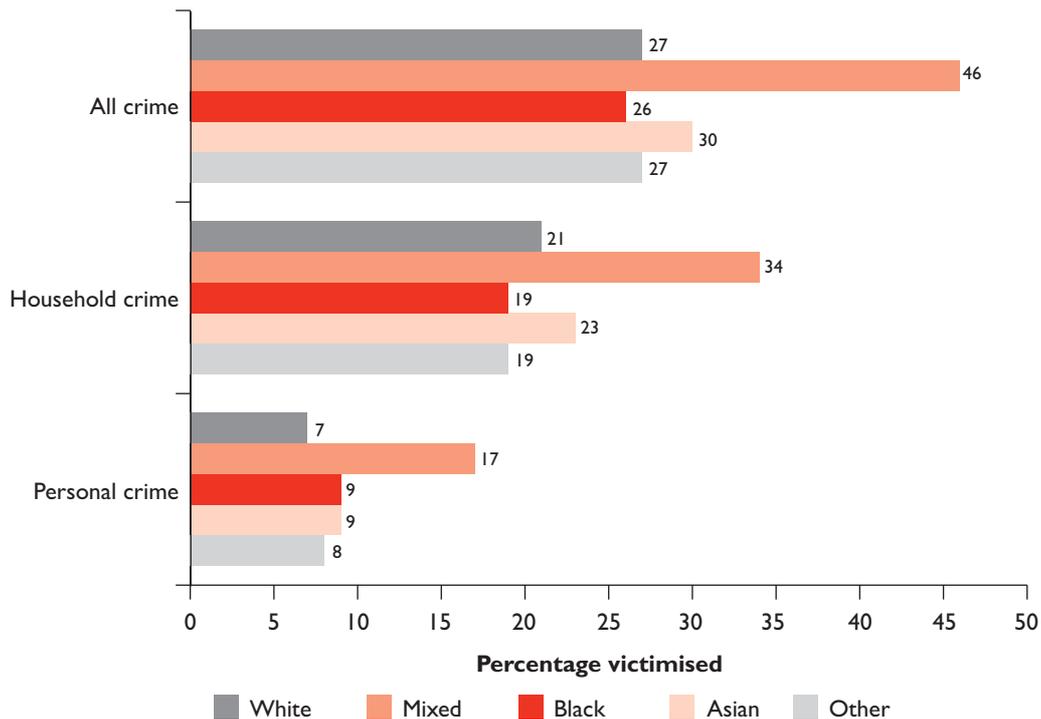
Figure 2.1 shows that overall, Asian people face slightly higher risks of crime than others and those of Mixed origin much higher risks.<sup>vi</sup> Black and White people have generally comparable risks, though the former faced higher risks for burglary, robbery and vehicle crime than the latter. The higher rates for Asian people disappeared after allowing for age: young people are generally more at risk of crime than others, and the Asian population is younger than average. Age also explains the higher risk of the BME groups as a whole.

These findings are broadly consistent with previous BCS analysis<sup>23</sup> showing that most of the greater risks of crime faced by BME groups can be attributed to demographic factors such as area of residence, age, social class and income. The same cannot be said for the Mixed group, whose higher risks did not disappear after allowing for age or area of residence. The emergence of this group as especially vulnerable to crime is a new and important research finding. The difference remained even after allowing for age, and the type of area (ie affluent/deprived) in which respondents lived. This finding apart, the 2002/03 BCS has found a narrowing of the gap between ethnic groups in crime risks compared with earlier sweeps of the survey<sup>24</sup>.

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vi The respondent answers on behalf of the whole household in the offence categories of: bicycle theft; burglary; theft in a dwelling; other household theft; thefts of and from vehicles; and vandalism to household property and vehicles. For personal offences, the respondent reports on his/her experience of: assault; sexual offences; robbery; theft from the person; and other personal theft. The BCS does not cover personal crimes against those aged under 16 or against those living in institutions.

**FIGURE 2.1**  
**Risks of crime by ethnic group – percentage victimised, from BCS interviews 2002/03**



- Notes: 1. Source: Salisbury and Upson (2004).  
 2. For household offences reported in the BCS, all members of the household can be regarded as victims. For personal offences, the respondent reports only on his/her experience to the BCS.  
 3. Percentages in household and personal columns do not sum to all crime, because the total crime figure includes people who are the victim solely of household crime, solely of personal crime, or both.

### Racially motivated offences

The BCS asks all crime victims whether they thought that the incident was racially motivated. Risks of racially motivated victimisation were higher for people from all the BME groups than for White people and highest for those from a Mixed background<sup>25</sup>:

- 4% of those of Mixed ethnic origin were victims
- 3% of Asian people
- 2% of Black people
- 2% of other ethnic groups
- less than 1% of White people.

The BCS can estimate the annual number of racially motivated incidents. The figure for 2002/03 was 206,000. Though White people reported the lowest *risks*, they experienced the highest *number* of incidents – an estimated 99,000 – simply reflecting the fact that they constitute 91% of the population. There were an estimated 59,000 Asian victims. The number of racially motivated BCS incidents has fallen since the mid-1990s<sup>vii</sup>.

vii The change in ethnic classification makes it hard to compare recent sweeps with those from 2000 and earlier, though Clancy et al. (2001) report sharp falls, and there is no evidence of an upward trend since then.

## Police statistics on racist incidents

The police have recorded racist incidents since 1986. They use a definition similar to that of the BCS. As recommended by the Stephen Lawrence Inquiry they record as racist “any incident which is perceived to be racist by the victim or any other person.” The number recorded rose steadily from 13,151 in 1996/97 to a peak of 54,370 in 2001/02. The total for 2002/03 was 48,525 – representing an 11% fall over the previous year. The increase until 2001/02 – set beside the BCS decline over this period – suggests progressively fuller recording on the part of the police, although increased confidence in reporting to the police may also have been a factor<sup>26</sup>. Comparison with BCS figures suggests that police statistics capture around a quarter of racially motivated incidents annually.

The police also record *racially aggravated* offences in relation to violence, harassment, public order and criminal damage. These are by definition racially motivated, but also meet criteria specified in the Crime and Disorder Act 1998<sup>27</sup>. The police recorded 31,034 aggravated offences in 2002/03, a 3% increase on the previous year. Of this total, 54% were harassment, 14% other wounding, 14% common assault and 18% criminal damage; a pattern similar to 2001/02.

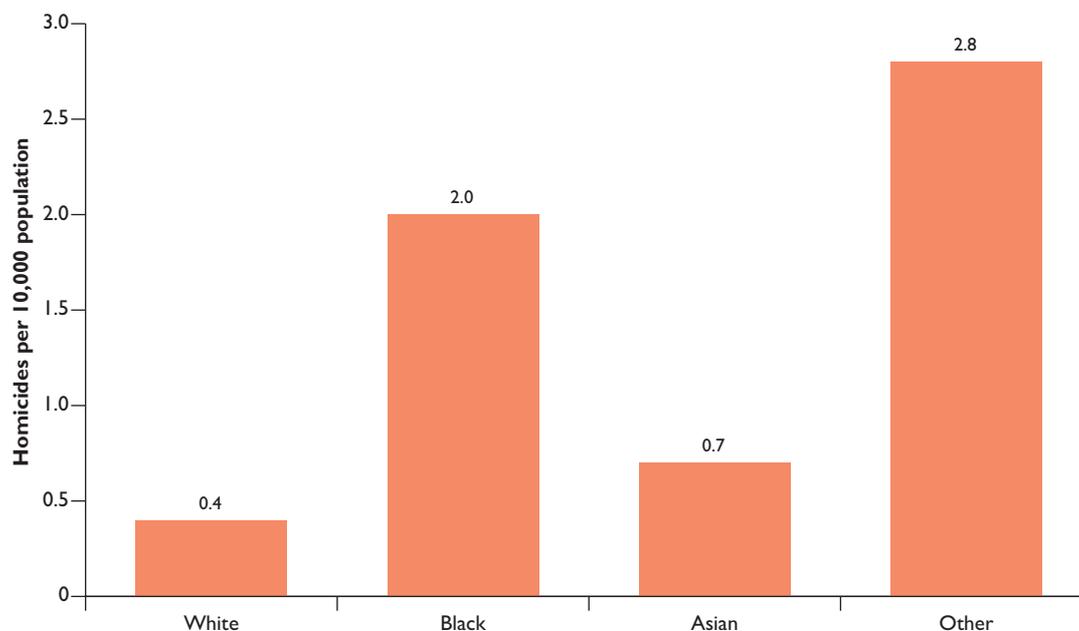
## CPS statistics on racist incidents

The CPS received 4,192 defendants for prosecution of a racist incident in 2002/03 – an increase of 12% on the 3,728 figure for the previous year. Of the 2002/03 total, 74% (3,116) were prosecuted, for a total of 4,029 charges. Two-thirds (2,757) of these 4,029 offences charged by the CPS were racially aggravated, of which 58% were harassment, 24% assault, and other wounding or criminal damage 9% each<sup>28</sup>.

## Homicide

Murder, manslaughter and infanticide (collectively referred to as homicide) are amongst the rarest crimes in England and Wales. In the three years from 2000/01 the police recorded 2,343 offences. However there are dramatic disparities in the risks faced by different ethnic groups, as shown in Figure 2.2.

**FIGURE 2.2**  
**Homicides per 10,000 population, by ethnic group, combined data for 2000/01 to 2002/03**



Notes: 1. Number of homicide victims: White 1,780; Black 254; Asian 160; Other 149.

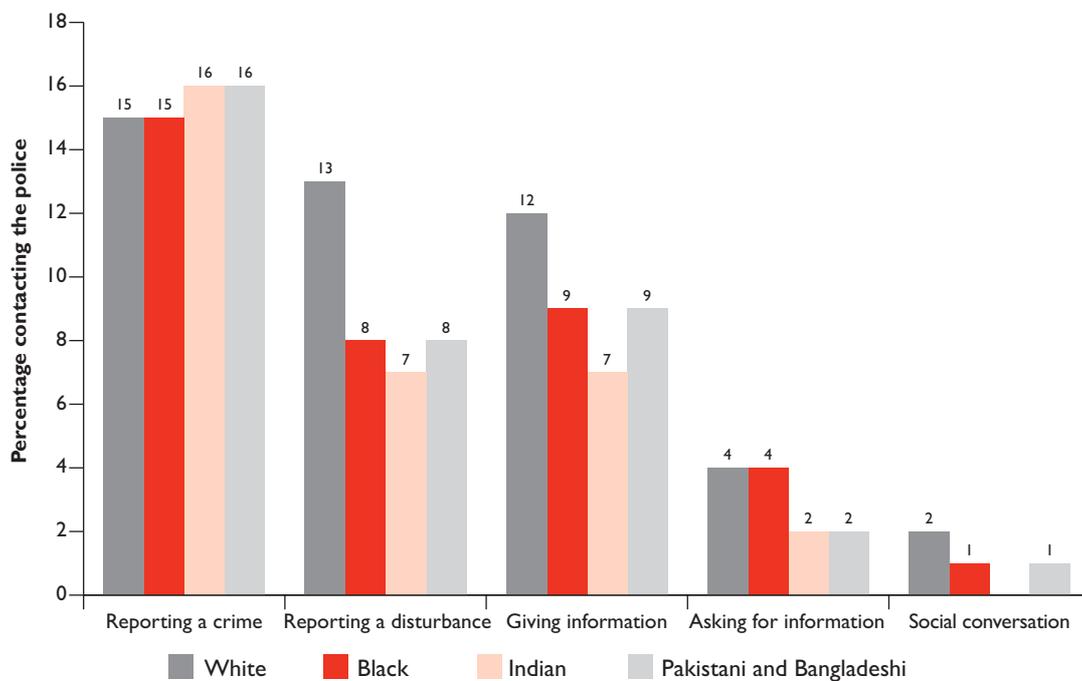
2. Excludes offences where ethnicity was unrecorded. A further 172 offences committed by Dr Harold Shipman have also been excluded as these were committed before 2000, although they were discovered and recorded during the period.

The figure shows that the risk of becoming a homicide victim faced by Other groups is seven times that faced by White people. Black people are five times more likely than White people to be a victim of homicide. Whilst risks for White people are spread across the sexes and age-groups, Black victims are predominantly young men, and a third are shot dead, the vast majority by other young Black men. The statistics point to a serious problem of gun crime within a narrow section of the young Black male population<sup>29</sup>. More research is needed on this.

## Using the police

According to the BCS, White people are more frequent users of the police than other ethnic groups. In the 2000 survey, 36% of White respondents contacted the police, 30% of Asian respondents, and 28% of Black respondents. Figure 2.3 shows differences between the main ethnic groups in the way in which demands on the police were made. Few differences in police usage emerge, with all groups more likely to approach the police to report a crime than for any other reason. However White respondents seemed more likely to report disturbances and to provide information than others.

**FIGURE 2.3**  
**Percentage contacting the police, by reason for contact, by ethnic group, 2000**



- Notes: 1. Source Kershaw et al. (2000).  
 2. Core and boost samples combined.  
 3. Weighted data, unweighted n = 12,535.

## Experience as witnesses and jurors

The first large-scale witness satisfaction survey was published in 2001, but numbers of BME respondents were too low to allow robust conclusions to be drawn about variations between ethnic groups<sup>30</sup>. However, information is available from a study commissioned by the Lord Chancellor's Department<sup>31</sup>. This sought the views of witnesses and defendants on the conduct and comments of the judiciary during court proceedings. The results were positive: 84% of witnesses were satisfied that treatment was fair, and none complained of ill-treatment by a judge or magistrate, with proportions almost the same amongst Black, White and Asian witnesses.

More recently, one of the few studies to have examined jurors' experiences found that, at the end of their service, Black jurors were more likely than others to report increased confidence in the criminal justice system<sup>32</sup>. After their role as a juror was over, people of Asian and White origin left with similar levels of confidence. Two-thirds (67%) of people from BME groups were willing to act as a juror in the future, compared to 53% of White people.

## **Stocktaking**

The larger BME groups face crime risks that overall are similar to those faced by White people. Asian people have slightly higher victimisation rates, but this is a function of the relative youth of the Asian population. There appears to have been some convergence of crime risks over the last few years. The BCS identifies one group – those who are of Mixed ethnic origin – whose risks are significantly higher than others. Homicide statistics point to a serious problem of gun crime within a narrow section of the young Black male population. There is little difference in usage of the police between ethnic groups, although White people seem more likely than others to report disturbances and to provide the police with information.

## Chapter 3:

# Experience as suspects, defendants and prisoners

In the past, debate about disproportionate representation of BME groups in the criminal process has been polarised and over heated. On the one side, it has been argued that the statistics, such as those relating to Black people's over-representation in police searches and arrest figures, reflect selective over-policing. In response, it has been argued that the statistics reflect not over-policing but greater representation in the criminal process, and that the police have simply been doing their job. Improvements in the statistical data over the last decade have permitted an increasingly rational assessment, in which both over-policing and greater representation in the criminal process can be contemplated by all sides at least as realistic possibilities.

To anticipate the conclusion reached in this chapter, the patterns of disproportionality that can now be observed in the criminal justice system have arisen through a complex dynamic of historic discrimination and over-policing, coupled with relative social and economic disadvantage, and related representation in the criminal process.

The research findings and statistics are complicated. This chapter first summarises what can be said about differences between ethnic groups in their representation in the criminal process, on the basis of surveys of self-reported offending and the British Crime Survey. It then presents statistics collated by various criminal justice agencies. These show the extent to which there is disproportional representation of different ethnic groups at different points in the criminal process. Charts show differences between ethnic groups in the proportion of:

- Police searches of suspects and vehicles
- Arrests
- Cautions and prosecutions
- Convictions
- People sent to prison.

We have generally presented these statistics as rates per 1,000 of the general population in that ethnic group. Where the statistics allow it, we have also aimed to illustrate not only disproportionality at each stage of the criminal process, but also whether at that stage there is any evidence of disproportionate or discriminatory treatment. For example, as a result of earlier police decisions about whether or not to issue a caution, some BME groups are disproportionately likely to be charged with an offence and appear in court; at this stage of the process, the courts could either compound or mitigate this disproportionality, for example in the proportions of each group that they sentence to prison.

## Differential representation in the criminal process

Self-report surveys involve asking samples of the public whether or not they have committed a range of offences. The method has been shown to be tolerably reliable, at least for less serious offences. Few national surveys in Britain have included self-report items, whilst also having sufficient sub-samples of BME respondents to enable analysis by ethnicity. There are some exceptions<sup>33</sup>.

Both sweeps of the Youth Lifestyles Survey yielded plausible estimates of offending. The first sweep, carried out in 1993, interviewed people aged 14-25. One in four males admitted committing at least one crime in the previous 12 months, and one in eight females. The survey found no difference between Black and White respondents in terms of their representation in the criminal process, and much lower representation of Indian, Pakistani and Bangladeshi people. BME sample sizes are small in the 1998/99 sweep and there is no evidence of differential representation in the criminal process between BME groups. The BCS also asks self-report questions about offending, mainly in relation to drug use. The survey suggests that Black people between the ages of 16-24 are less likely to use drugs than those of White or Mixed origin<sup>34</sup>.

As we shall see, these findings are at odds with the statistics from criminal justice agencies, which consistently point to disproportionate representation of Black people in the criminal process. Whilst they could reflect weaknesses in the self-report methodology, a more plausible explanation is that self-report surveys accurately reflect the picture for the generality of the population – whether from White or BME groups. By contrast, the statistics of criminal justice agencies reflect differences that relate to the very small minorities of people in each ethnic group who are extensively involved in crime.

## Victims' descriptions of offenders in the British Crime Survey

The BCS asks victims about the ethnicity of 'their' offender. For most categories of crime the majority of victims do not know who committed the offence; the data are relatively complete only for offences involving face-to-face contact. The most recent BCS for which figures are available is the 2000 sweep<sup>35</sup>. This found that, where the victim could make some judgement about the ethnicity of the offender, 15% were described as being from a BME group. Relative to their proportion of the total adult population (9%) BME groups are clearly over-represented amongst offenders as perceived by victims. However a more appropriate comparator is the proportion of young people from BME groups, as the vast majority of offenders are in their teens and twenties. Currently 12% of the population under 25 is from BME groups; 3% are Black and 6% Asian<sup>36</sup>.

For most crime types, the BCS suggests a slight under-representation of Asian offenders, and a slight over-representation of Black offenders. There is one clear exception. Where victims had suffered personal robbery, a Black person was said to be responsible in 31% of cases. Although personal robbery is a relatively rare crime and numbers of victims in the BCS are small, previous sweeps have come up with similar estimates.

## Stop and search

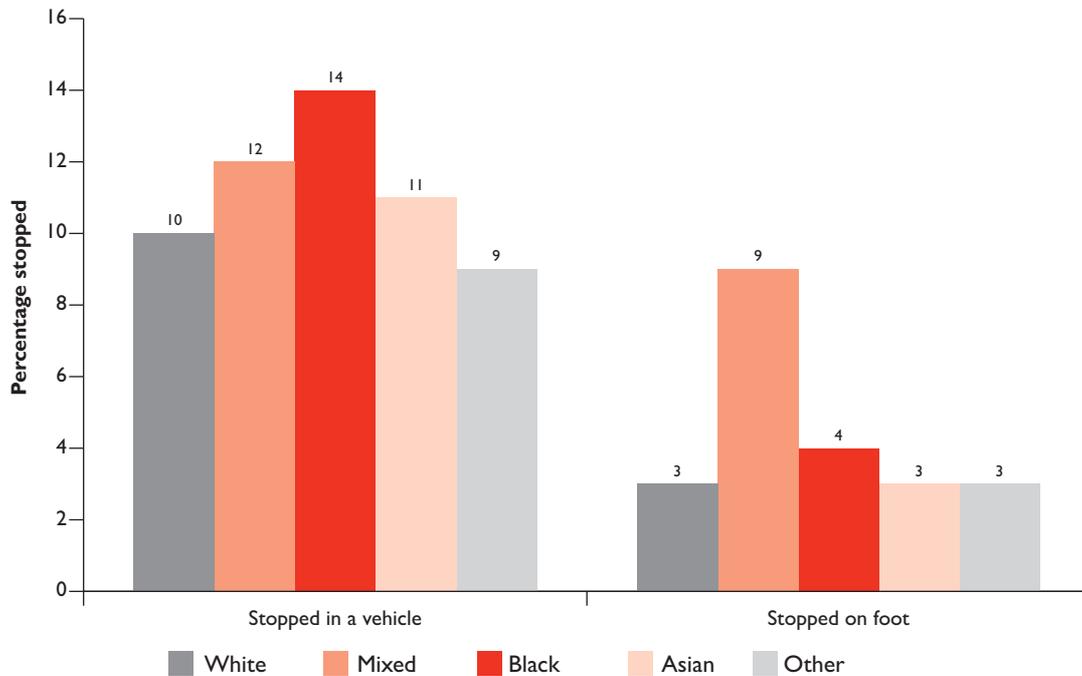
An important 'gateway' for a minority of offenders into the criminal process is the process of stop and search. Section 1 of the Police and Criminal Evidence Act (1984) gives the police powers to search people in public, provided that there are reasonable grounds for suspecting that a person has committed an offence or may commit an offence. The police did not collate statistics on those who are stopped but not searched<sup>viii</sup>, though the BCS provides some indication of this. The police are required to record details of anyone they search.

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viii Following Recommendation 61 of the Stephen Lawrence Inquiry, police forces are now required to record stops as well as searches.

The BCS estimates that in 2002/03, 10% of the adult population were stopped in the previous 12 months when in a vehicle and 3% stopped on foot<sup>37</sup>. Regardless of ethnicity, males between the ages of 16 and 24 were much more likely than others to be stopped by the police. Figure 3.1 shows that Black people and those of Mixed origin were more likely to be stopped than White people, whether on foot or in cars. Asian people were more likely to be stopped in vehicles than White people when in vehicles, but no more likely to be stopped on foot<sup>38</sup>. A detailed study of policing in London<sup>39</sup> found not only that Black people were more likely than others to be stopped, but that they faced a higher risk of multiple stops over the course of a year.

**FIGURE 3.1**  
**Proportion of adults stopped by the police, by ethnic group, from BCS interviews, 2002/03**



Notes: 1. Source: Nicholas and Walker (2004)

Analysis of the 2000 BCS suggests that there are around 8.5 million car stops and 2.5 million foot stops each year<sup>40</sup>. Around one in ten of these results in a search. Somewhere in the region of 75% of these searches are recorded as such by the police.

### Section 1 searches

Figure 3.2 shows for different ethnic groups the number of searches carried out under section 1 of PACE in 2002/03, expressed as a rate per 1,000 of the population. Strictly speaking, the figure does *not* show the risks that each group runs of being searched. Searches are concentrated amongst a small proportion of the population, and some individuals are searched several times in a year<sup>x</sup>. Nevertheless it gives an indication of relative risks.

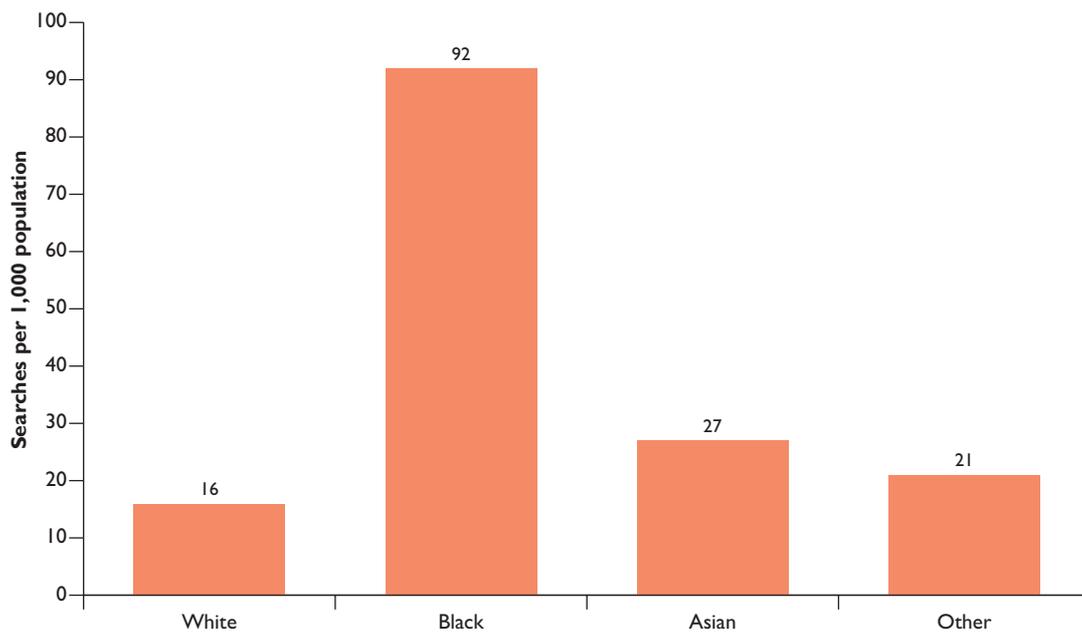
Black people are most at risk. The number of searches of Black suspects per 1,000 population was six times that of White suspects – an increase from five times that of White people in 2001/02<sup>x</sup>. Asian people also have higher search rates than the White population, with almost twice as many searches per 1,000 population. Although the police figures cannot be analysed in more fine-grained ethnic categories, the BCS suggests that within Asian rates, Indian people face risks comparable to White people, whilst those of Pakistani and Bangladeshi origin face very much higher risks.

ix In statistical terminology the figure shows incidence rates, not prevalence rates. Incidence describes the number of *incidents* in a given area, whereas prevalence is concerned with the number of people *experiencing the incidents* in a given area. It is possible for two groups to have similar prevalence rates and different incidence rates – when those searched in one group are searched much more often than those in the other.

x As discussed earlier, new population figures have been used for these calculations.

**FIGURE 3.2**

**Persons stopped and searched under s1 Police and Criminal Evidence Act 1984, and other legislation, by ethnic group, per 1,000 population, 2002/03**



Notes: 1. Numbers of searches: White 665,232; Black 118,548; Asian 58,831; Other 11,468. Total 854,079.

In reconciling the disproportionalities in *search* rates with the much smaller disproportionalities in *stop* rates found by the BCS, account needs to be taken of several factors. The police search rates are for incidents per 1,000 population, whilst the BCS stop rates are the percentage of people stopped once or more. There is evidence that a higher proportion of stops of Black people result in searches than do those for White people<sup>41</sup>. And while Black people as a whole may be more at risk of being stopped and searched, it is possible that the large number of searches of Black people may be concentrated on a relatively small number of suspects. Finally, it is possible that searches are recorded differentially for different ethnic groups.

Figures 3.3 to 3.6 present s1 statistics by individual police force area. Areas have been grouped into four bands, on the basis of the proportion of BME people in each force's overall population<sup>42</sup>. The bands are:

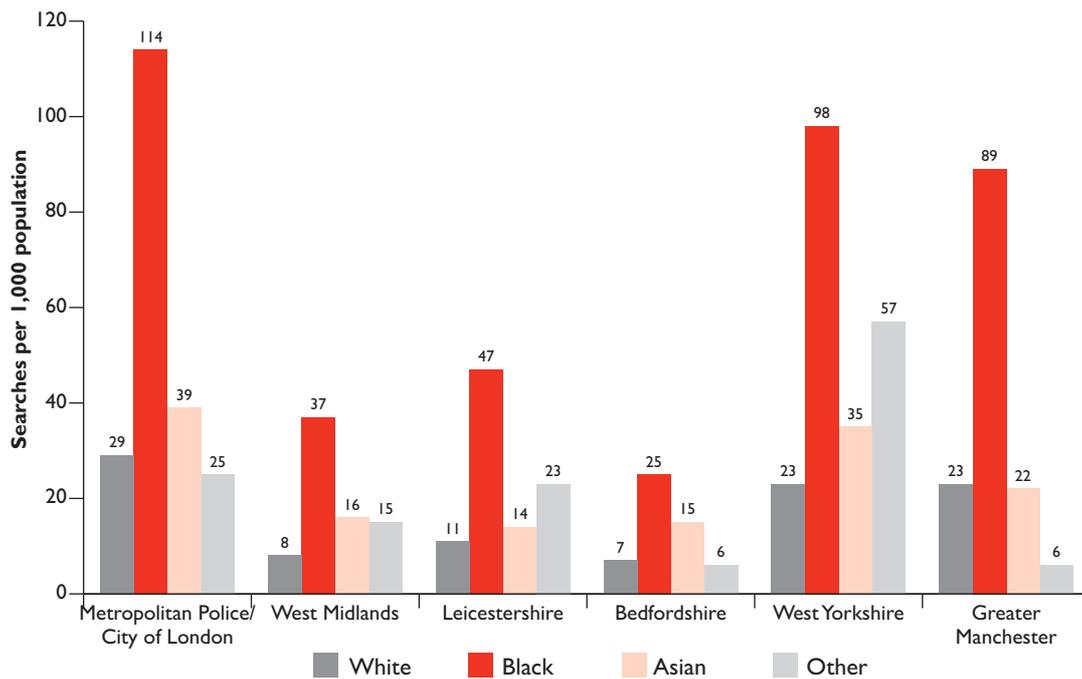
- The six police force areas with the highest proportions of BME groups (accounting for 75% of the BME, population in the country – labelled 'Band 1')
- The next 12 forces, with high proportions of BME groups ('Band 2')
- The next 12 forces ('Band 3')
- The 12 forces with the lowest proportions of BME groups ('Band 4')

Patterns broken down by individual forces are important, as they provide local knowledge of patterns of disparity, but also illustrate more general patterns of what might be called 'justice by geography', whereby the system treats similar people differently in different places.

For example, within Band 1 in Figure 3.3, disproportionality in the West Midlands between search rates for the Black and White populations is similar – or a little higher than – the disproportionality seen in London. However the overall volume of searches for both groups in the West Midlands stands at around a *third* of London levels. Variations in recording practices in different forces may also play a part in these differences.

**FIGURE 3.3**

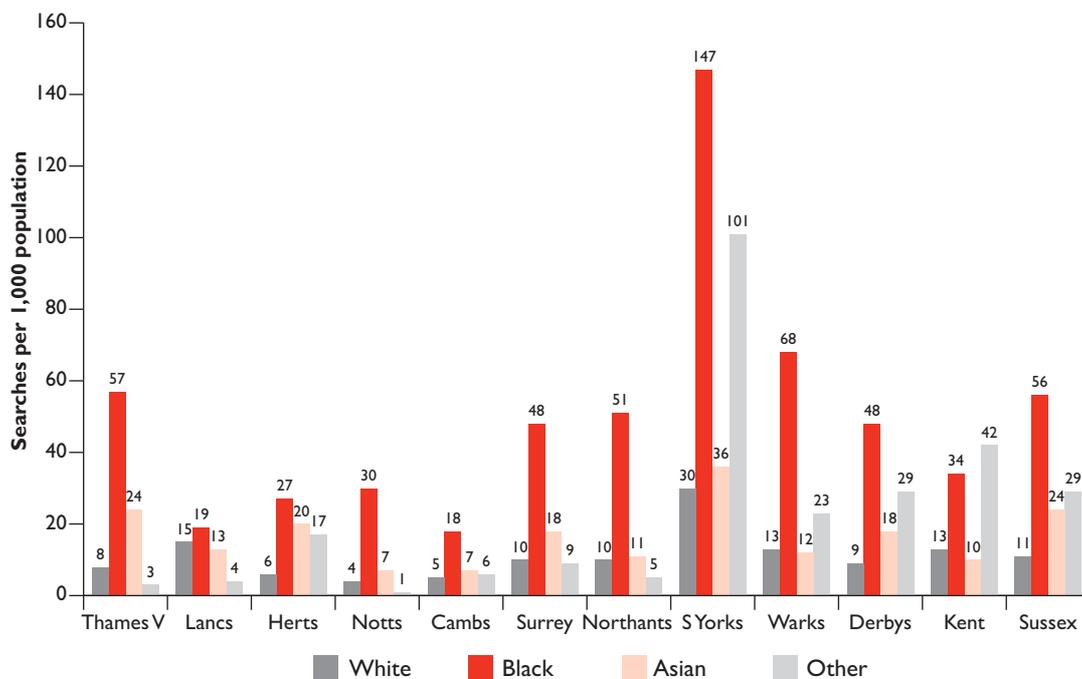
**Persons stopped and searched under s1 Police and Criminal Evidence Act 1984, and other legislation, by ethnic group, per 1,000 population, Band 1 areas, 2002/03**



Notes: 1. Numbers of searches: White 240,849; Black 102,971; Asian 48,415; Other 7,082.  
 2. Less than 50 searches of Other groups in Bedfordshire.

**FIGURE 3.4**

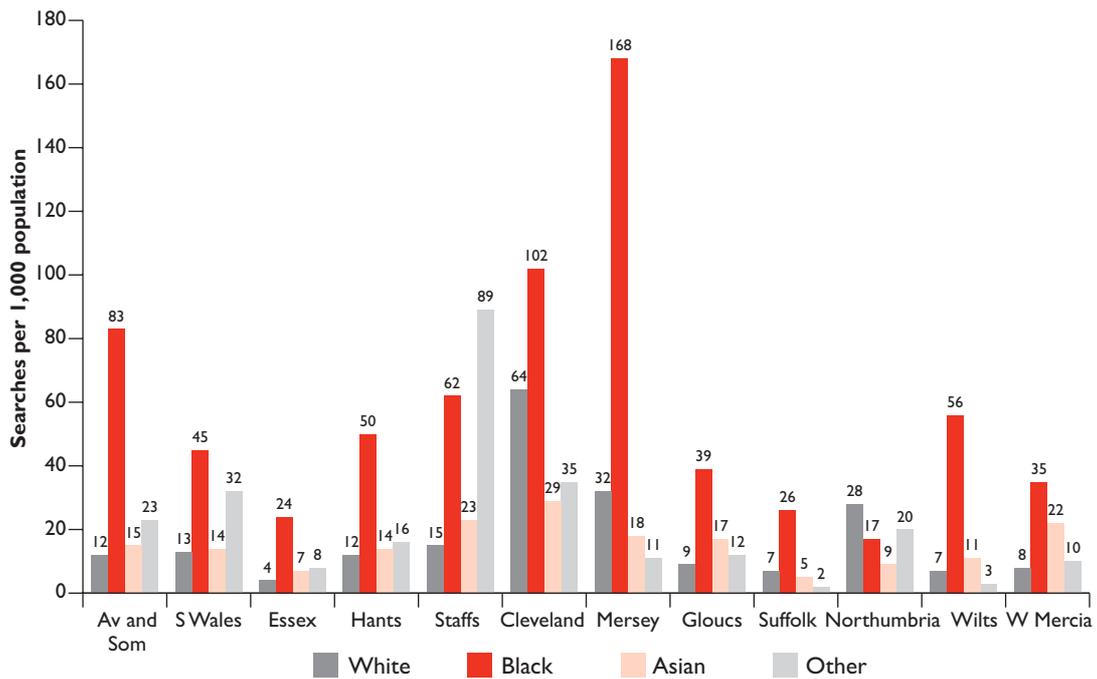
**Persons stopped and searched under s1 Police and Criminal Evidence Act 1984, and other legislation, by ethnic group, per 1,000 population, Band 2 areas, 2002/03**



Notes: 1. Number of searches: White 132,861; Black 8,280; Asian 7,121; Other 2,204.  
 2. For people in the 'Other' category, searches total less than 50 in Lancashire, Nottinghamshire, Cambridgeshire and Northamptonshire.

**FIGURE 3.5**

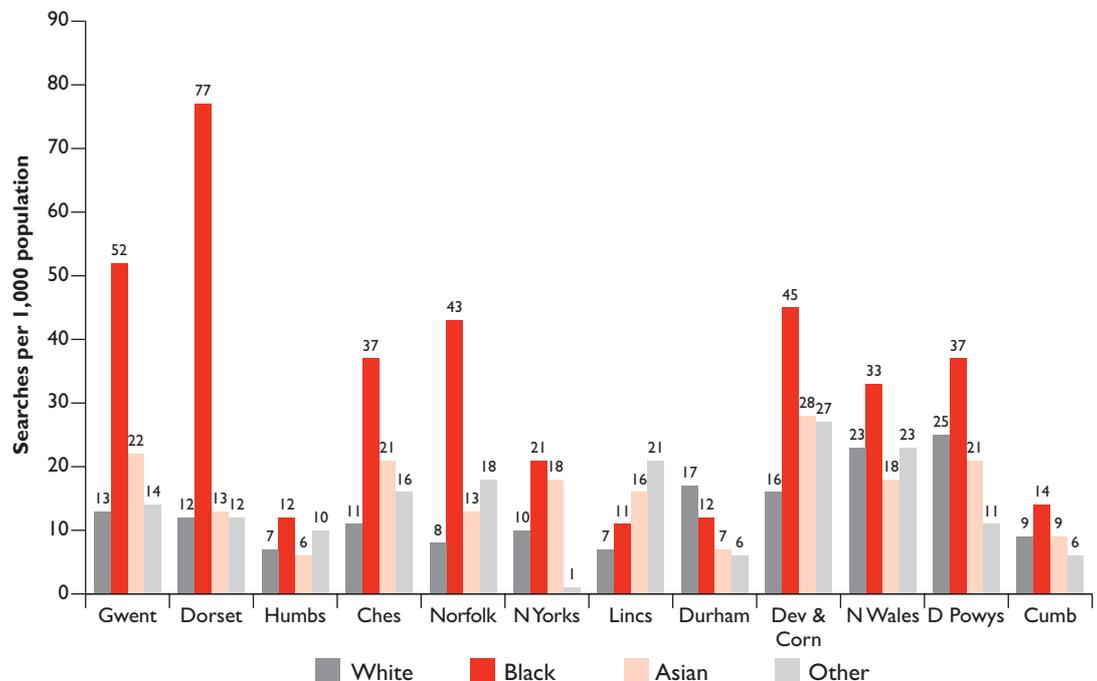
**Persons stopped and searched under s1 Police and Criminal Evidence Act 1984, and other legislation, by ethnic group, per 1,000 population, Band 3 areas, 2002/03**



Notes: 1. Number of searches: White 187,775; Black 6,258; Asian 2,512; Other 1,612.  
 2. Less than 50 searches of Asian people in Suffolk; less than 50 searches of Other groups in Gloucestershire, Suffolk and Wiltshire.

**FIGURE 3.6**

**Persons stopped and searched under s1 Police and Criminal Evidence Act 1984, and other legislation, by ethnic group, per 1,000 population, Band 4 areas, 2002/03**

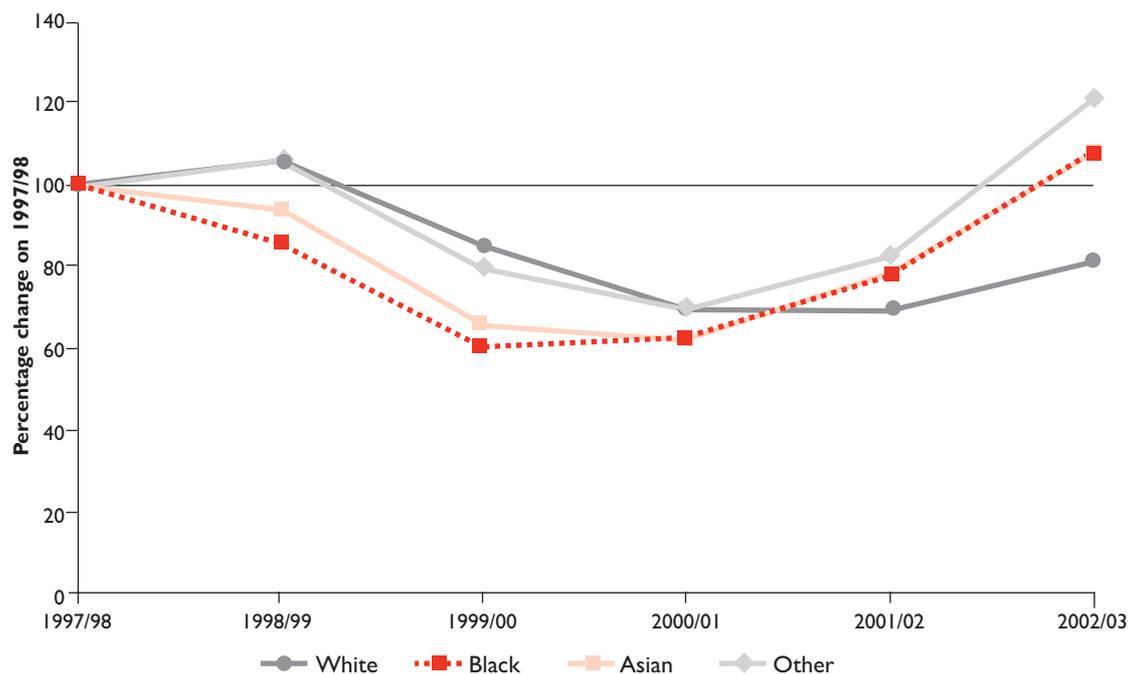


Notes: 1. Number of searches: White 103,747; Black 1,039; Asian 783; Other 570.  
 2. Less than 50 searches of Black people in Humberside, Dyfed Powys, North Yorkshire, North Wales, Cumbria, Lincolnshire and Durham. Less than 50 searches of Asian people in Humberside, North Wales, Dyfed Powys, Cumbria and Durham. Less than 50 searches of Other groups in Gwent, Humberside, North Wales, Dyfed Powys, North Yorkshire, Cumbria and Durham.

In 2002/03, 13% of all searches under s1 resulted in an arrest. There were differences across ethnic groups, 16% of searches of both Black and 'Other' suspects led to an arrest, compared to 13% for both White and Asian suspects. This gap has narrowed since 2001/02.

Figure 3.7 shows standardised trends in stops and searches for ethnic groups from 1997/98 through to 2002/03. The figure shows 'indexed trends' with the 1997/98 figure indexed at 100, with the numbers of searches for 1998/99 to 2002/03 each expressed as a percentage of the 1997/98 figures. Numbers of s1 searches peaked in 1998/99 and then fell until 2000/01, since when they have been rising steeply. The fall in the number of searches was likely to be the result of a more cautious approach by the police in the aftermath of the Stephen Lawrence Inquiry report. Subsequent increases have been greater for all BME groups than for White people.

**FIGURE 3.7**  
**Persons stopped and searched under s1 Police and Criminal Evidence Act 1984, and other legislation, by ethnic group, percentage change on the 1997/98 totals, 1998/99–2002/03**



Across England and Wales the number of searches went up by 22%<sup>43</sup> between 2001/02 and 2002/03. Rates rose fastest for those of 'Other' ethnic origin (up 47%). Searches of Black people increased by 38%, those of Asian people by 36%, and of White people by 17%. The rises will in part reflect more intensive action against street robbery. As described in Chapter 1, the scale of these increases when expressed as rates per 1,000 population has been masked by the availability of fuller and more reliable population figures for BME groups.

### Section 60 searches

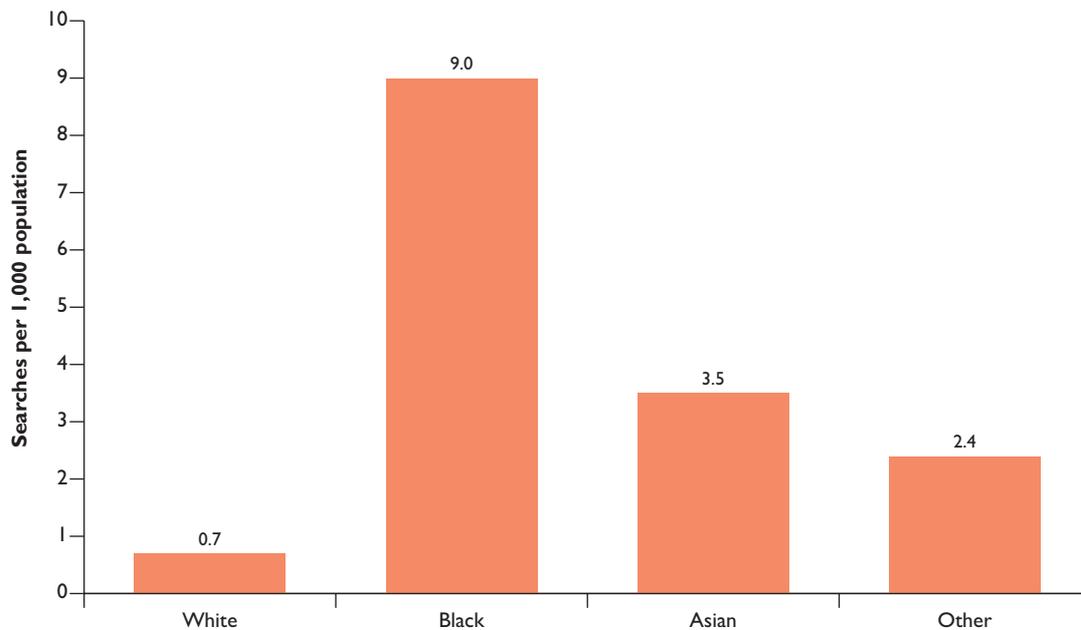
Section 60 of the Criminal Justice and Public Order Act provides additional search powers in areas with particular problems<sup>xi</sup>. Figure 3.8 shows search rates under s60 for England and Wales. The rate for Black groups is 13 times that of White people, and the Asian rate is five times higher. This may be due to the particularly large numbers of s60 searches in the West Midlands, Greater Manchester, London and Lancashire – all areas with high BME populations.

<sup>xi</sup> Under these powers a senior officer may authorise the search of persons and vehicles where it is believed that to do so would help to prevent incidents involving serious violence or that persons are carrying dangerous instruments or offensive weapons'. The measure was first introduced amid public concern over football hooliganism and outdoor raves. An individual search does not require reasonable grounds.

Trends are upward. In 2002/03, the police recorded 49,800 such stops and searches of individuals, an increase of 172% on 2001/02. Comparison with 2001/02 shows that, where ethnicity is known, 85% of the increase in Section 60 stops and searches in 2002/03 is accounted for by only four forces. Overall, six per cent of s60 searches led to an arrest in 2002/03, two percentage points higher than in 2001/02.

While considerable disproportionality is evident in some forces, disproportionality overall in England and Wales has reduced sharply against the previously published statistics for 2001/02, which showed Black rates 27 times higher than White ones. This is partly an artefact of the change in the population figures for BME groups. However, even when the 2001/02 rates are recalculated with the revised population figures, the ratio between Black and White search rates has fallen, from 16:1 to 13:1. This is because there has also been a faster growth in the use of the power against the White population than against BME groups. The largest increase, both numerically and proportionately, was for White people (up by 220%). The number of Black people searched went up by 162%, and there was a 71% increase in searches of Asian people. In 2001/02 more Asian people than Black people were stopped by the Metropolitan Police and City of London combined; this was reversed in 2002/03.

**FIGURE 3.8**  
**Persons stopped and searched under s60 Criminal Justice and Public Order Act 1994, by ethnic group, per 1,000 population, 2002/03**



Notes: 1. Number of searches: White 29,342; Black 11,631; Asian 7,593; Other 1,273.  
 2. Twenty-eight forces used stops and searches in anticipation of violence.

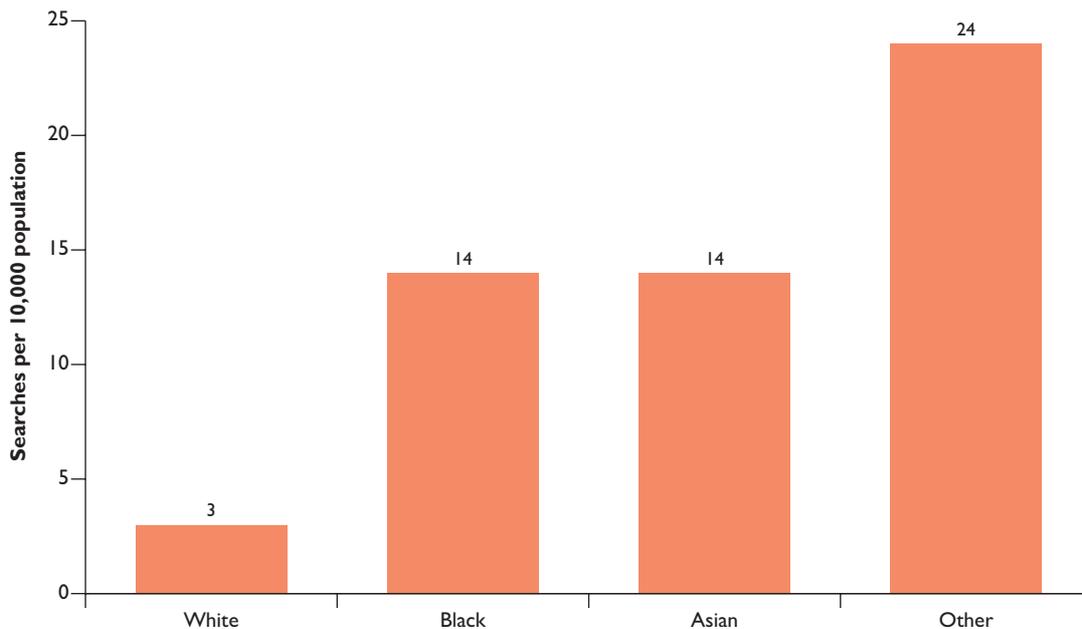
### Section 44 searches

The Terrorism Act 2000 provides further powers to carry out stops and searches<sup>xii</sup>. The powers (under section 44(1) for vehicle searches and section 44(2) for pedestrians) were used to carry out just over 20,000 searches in 2002/03 in 19 police forces areas. Figure 3.9 combines the two subsections and presents rates for different ethnic groups for England and Wales as a whole<sup>44</sup>. Rates are per 10,000 of the population rather than per 1,000, reflecting the relative rarity of use of s44 powers.

<sup>xii</sup> Section 44 powers may only be authorised where a senior police officer considers them expedient for the prevention of acts of terrorism. Where such an authorisation exists, stops and searches may be carried out to look for articles connected with terrorism. The Code of Practice on stops and searches (PACE Code A) states that the use of s44 powers should reflect an objective assessment of the threat posed by terrorist groups active in the UK and that care should be taken not to discriminate against BME groups.

The City of London and Metropolitan Police Districts accounted for over four-fifths of s44 searches. Searches of Black and Asian people occur at between four and five times the rate of those for White people. Searches under s44 of people on foot quadrupled between 2001/02 and 2002/03. Vehicle searches more than doubled. In both cases, the proportion of searches of BME groups rose. The increase in use of Section 44 powers can be attributed to the heightened threat from international terrorism since the terrorist attacks on September 11, 2001 and the subsequent rise in the number and scale of police counter-terrorism investigations.

**FIGURE 3.9**  
**Persons stopped and searched under s44(1) or s44(2) of the Terrorism Act 2000, by ethnic group, per 10,000 population, 2002/03**



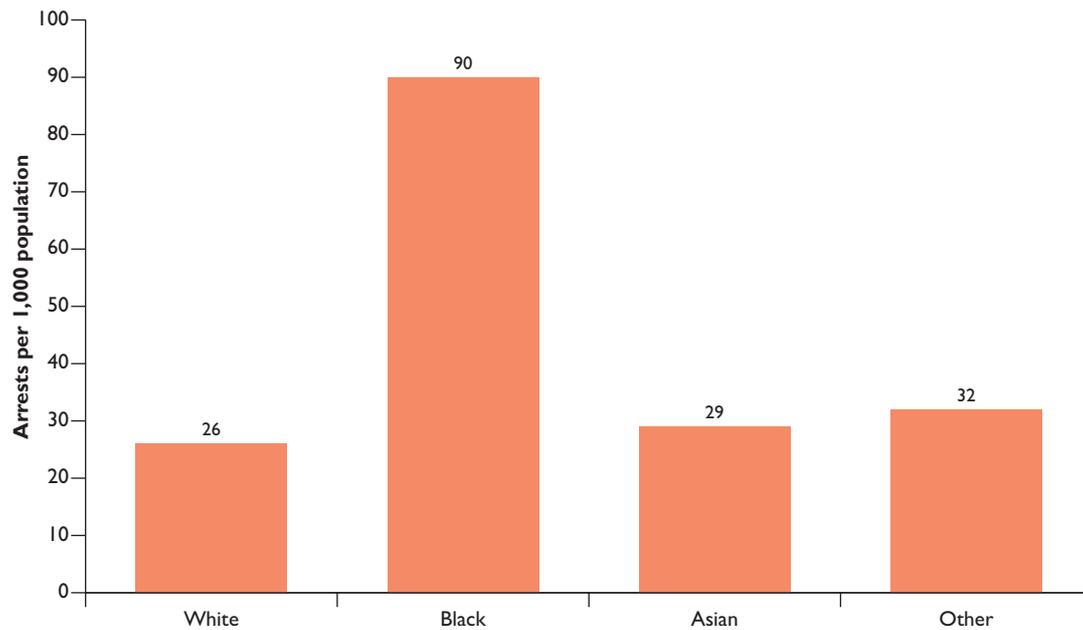
Notes: 1. Number of searches: White 14,429; Black 1,745; Asian 2,989; Other 1,259.

## Arrests

Arrest is the next stage in the criminal process for which data on suspects' ethnicity is collected. As with the preceding analysis of searches, Figure 3.10 shows the *incidence* of arrests per 1,000 population, and not the *prevalence* of arrested people per 1,000 population. The same patterns of disproportionality emerge, though differences between ethnic groups are less marked than for searches. Thus the Black arrest rate nationally for Black people is around three times that of White people, in contrast to the sixfold disparity for s1 searches. The rate for Asian people is 12% higher than for White people, whilst the s1 search rate was almost double.

The proportion of all recorded arrests that are the result of a s1 search in 2002/03 was 9%, compared to 8% the previous year. Rates rose for all ethnic groups, and were highest for Black people, who at 16% were twice as likely as White people (8%) to be arrested in this way. Asian (11%) and 'Other' arrestees (10%) were also more likely than White people to be arrested following a s1 search in 2002/03. The percentage of arrests following a s1 search depends upon the type of offence, which will itself vary between ethnic groups.

**FIGURE 3.10**  
**Persons arrested per 1,000 population, by ethnic group, 2002/03**



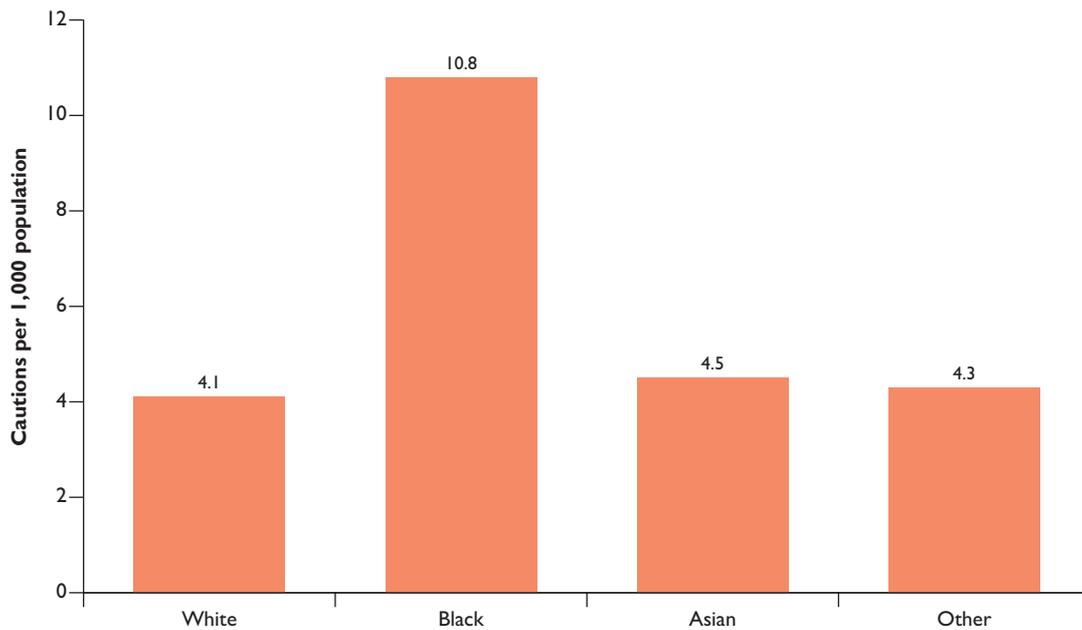
Notes: 1. Number of arrests: White 1,102,900; Black 116,722; Asian 64,276; Other 17,250.  
 2. Figures not available for Staffordshire or Durham; therefore total estimated and rounded.

## Cautions and proceedings

Once arrested, the vast majority of suspects are either charged and prosecuted, or else given a formal warning. If the latter, those over 17 are cautioned and younger offenders are either given a reprimand or a final warning. It is at this point in the criminal process that the consequences of contact with the process become more enduring. Cautions and other formal warnings are recorded, and are taken into account, for example by the police and by the courts, if the offender comes to the attention of criminal justice agencies again.

Unfortunately, the statistics on cautioning are hard to interpret without corresponding figures for proceedings, which are currently quite patchy. High cautioning rates per 1,000 population for any given group could indicate a readiness to take formal action against that group, a preparedness to treat the group more leniently than others, or an unwillingness by members of particular ethnic groups to admit an offence. Figure 3.11 shows cautioning rates per 1,000 population by ethnic group. It shows that while nationally the rates for Asian, White and Other groups are broadly similar, the rate for Black groups is almost three times that for White groups.

**FIGURE 3.11**  
**Persons cautioned per 1,000 population, by ethnic group, 2002/03**



Notes: 1. Number of cautions: White 173,273; Black 13,901; Asian 9,918; Other 2,313.  
 2. 'Cautions' include reprimands and final warnings for young offenders.

Nine force areas were able to provide information on both cautions and court proceedings. These suggest, in contrast, that White offenders/suspects have a better chance than other people who have been arrested of getting a caution as opposed to being proceeded against – with wide variation between forces. Until fuller data become available, it is impossible to reach firm conclusions on whether cautioning decisions serve to amplify or mitigate the disproportionality that we have seen at the arrest stage.

In these nine police force areas the proceedings rate per 1,000 population was higher for Black groups than for White people, though there are variations across areas – in Lancashire and Northumbria the rate for Black people is 10% higher; whereas in Warwickshire Black arrestees are over five times more likely to be proceeded against. In these nine forces, the 'disproportionality gap' for Asian people is much wider at this stage of the criminal process than it is at earlier stages nationally. Firmer conclusions cannot be drawn until better data are available.

## Remands

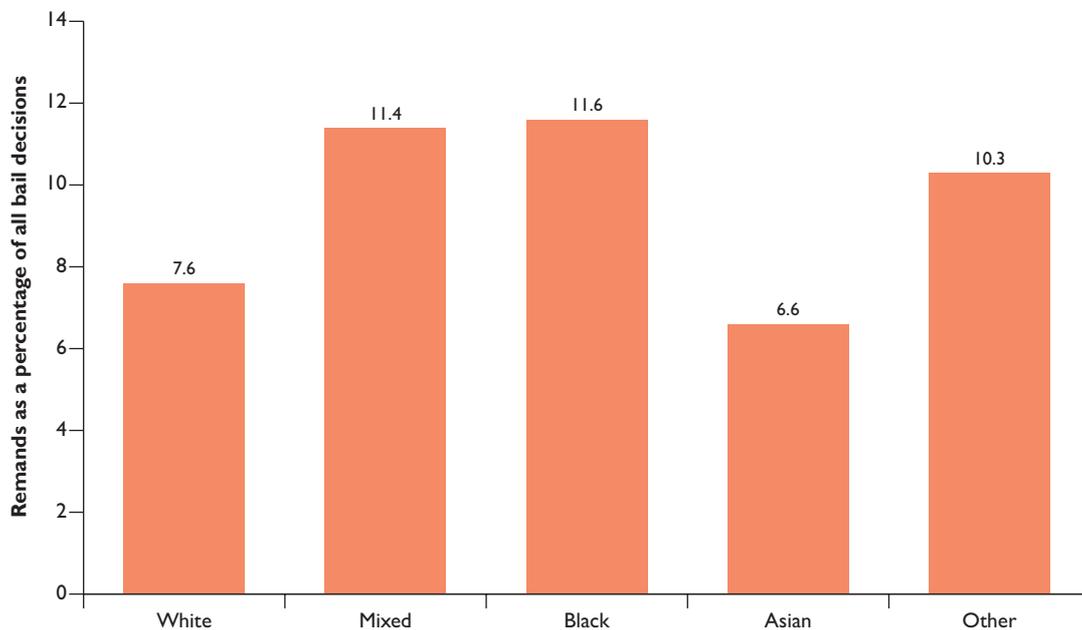
The decision whether or not to remand an offender in custody whilst awaiting trial or sentence is an important one that not only affects the liberty of the defendant but also the likelihood of being sentenced to custody if subsequently found guilty<sup>45</sup>. At present, very limited information is available about remand decisions as they affect different ethnic groups, though various small-scale studies have suggested that Black offenders are more likely to be remanded in custody than White offenders<sup>46</sup>.

Some information is available for young offenders, and this is presented in Figure 3.12. Overall, among 10-17 year-olds, a higher proportion of Black, Mixed and 'Other' arrestees are likely to be remanded in custody compared to White arrestees, and a lower proportion of arrestees of Asian origin. This could reflect differences between groups in the severity of the charges faced, or other factors that are taken into account at this point in the criminal process, such as the offender's accommodation status, or living

arrangements, or mental health. It is possible that some or all of these factors may underlie the higher remand rate for most BME groups.

**FIGURE 3.12**

**Remanded in custody as a percentage of all bail decisions, 10–17 year-olds, by ethnic group, from Youth Justice Board data, 2002/03**



Notes: 1. Source: Youth Justice Board.

2. Number of bail decisions taken: White 94,858; Mixed 2,448; Black 10,986; Asian 4,218; Other 1,513.

## Convictions

As noted in the section on cautioning, many areas cannot yet supply complete data on prosecutions and convictions broken down by ethnic group. There are particular problems in providing Magistrates' Court data, due to difficulties with IT systems. More areas are covered by the available information from the Crown Court, but the percentage of missing data is still high. This makes interpretation difficult, as there are sizeable differences between areas in proportions of offenders who elect for trial by jury and so will have a trial at the Crown Court and in the proportion of offenders committed for trial or sentence to the Crown Court. Differences in convictions could also relate to variations in the types and seriousness of offences committed by different ethnic groups.

Data are available for ten police force areas on the proportion of offenders found guilty in magistrates' courts by ethnic group. Without complementary Crown Court data, it is hard to draw firm conclusions. However, those from BME groups have lower conviction rates than White people. This could reflect several possibilities:

- weaker cases may be brought, on average, against defendants from BME groups, as suggested by the Denman Inquiry<sup>47</sup>
- BME groups may be more likely than White people to elect for trial in the Crown Court
- the findings may be counterbalanced by higher conviction rates for defendants from minority groups who elect for Crown Court trial

- BME groups have a greater likelihood of being committed for trial (as opposed to electing for trial) in the Crown Court.

Whatever the explanation, there is clearly a need for much fuller data on plea rates, election and committal rates and conviction rates at both Crown Court and magistrates' courts before much can be said with confidence about any disproportionality in treatment of different ethnic groups at this stage in the criminal process.

## Sentencing

The sentencing decision is probably the most complex of all those that are made in the criminal process. Sentencers have to take into account the nature of the offence, the plea, the offender's previous criminal history and other mitigating or aggravating circumstances relating to the offence and the offender. There are some systematic differences between ethnic groups in patterns of offending, in proportions electing for trial<sup>48</sup> and probably in criminal histories and personal circumstances. Disentangling whether any disproportionality amounts to discrimination is extremely difficult. Only one significant research study has attempted to do so in Britain to date<sup>49</sup>. This study assembled as much information as possible on offenders in five Crown Courts in the West Midlands, to derive 'probability of custody scores' which could be compared with actual outcomes.

The study concluded that adult male Black defendants were slightly more likely to be sent to prison than White defendants than their case characteristics implied, and were more likely to receive a longer sentence. Asian defendants, however, were slightly less likely to be sent to prison than White defendants. Both Black and Asian adult male defendants received longer sentences than their White counterparts.

The range of national statistics that can chart the sentencing process by ethnic group remains very limited. As Figure 3.13 shows, it is clear that large disproportionalities exist between ethnic groups in the number of sentenced receptions<sup>xiii</sup>. The number of people sent to prison per 1,000 population is over four times higher for Black groups than for White people. However the statistics are nowhere near complete enough to disentangle the extent to which these disproportionalities simply reflect 'upstream' disproportionalities, or factors at the point of sentence that should legitimately be taken into account, or discrimination.

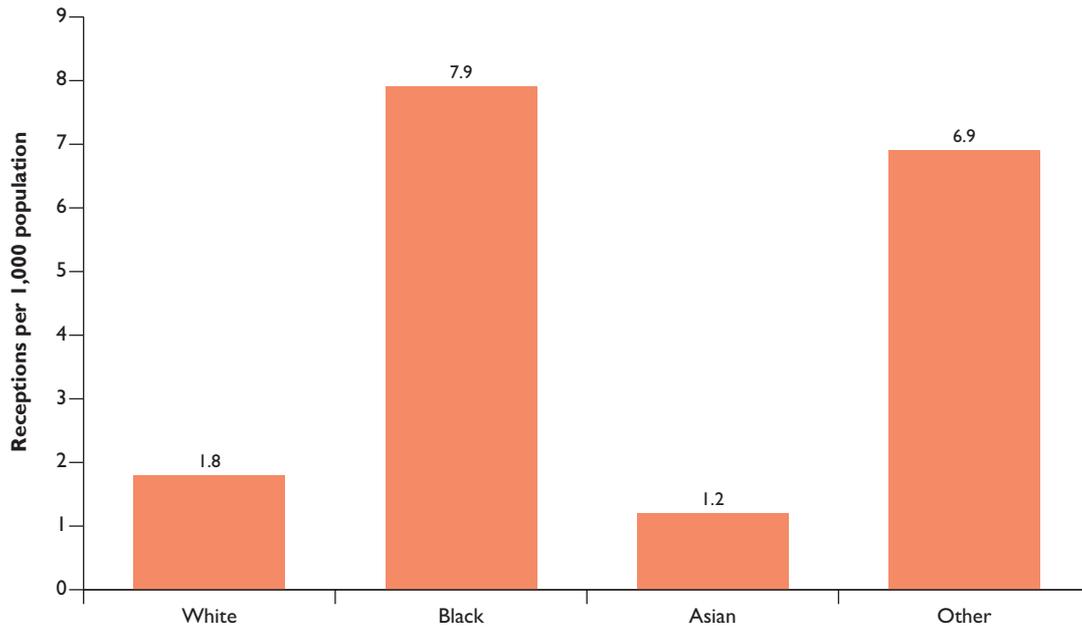
Clearly sentencing decisions are critical to an investigation of disproportionality in the treatment of ethnic groups, not least because of the magnifying effect that disproportionate treatment in the past can have on sentencing patterns in the future<sup>50</sup>. The priorities in terms of filling statistical gaps should be to assemble complete data by ethnic group on patterns of sentencing broken down by level of court and by plea. In particular, both levels of court should be able to produce custody rates by ethnic group, showing the proportion of offenders under sentence who receive a custodial sentence.

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<sup>xiii</sup> A sentenced reception refers to a person being received into prison for the first time following sentence at a court. It covers those held in custody as a result of receiving a sentence in a criminal court, and those committed in default of a payment of a fine, compensation order or costs.

**FIGURE 3.13**

**Sentenced receptions per 1,000 population, by ethnic group, England and Wales, 2002/03**



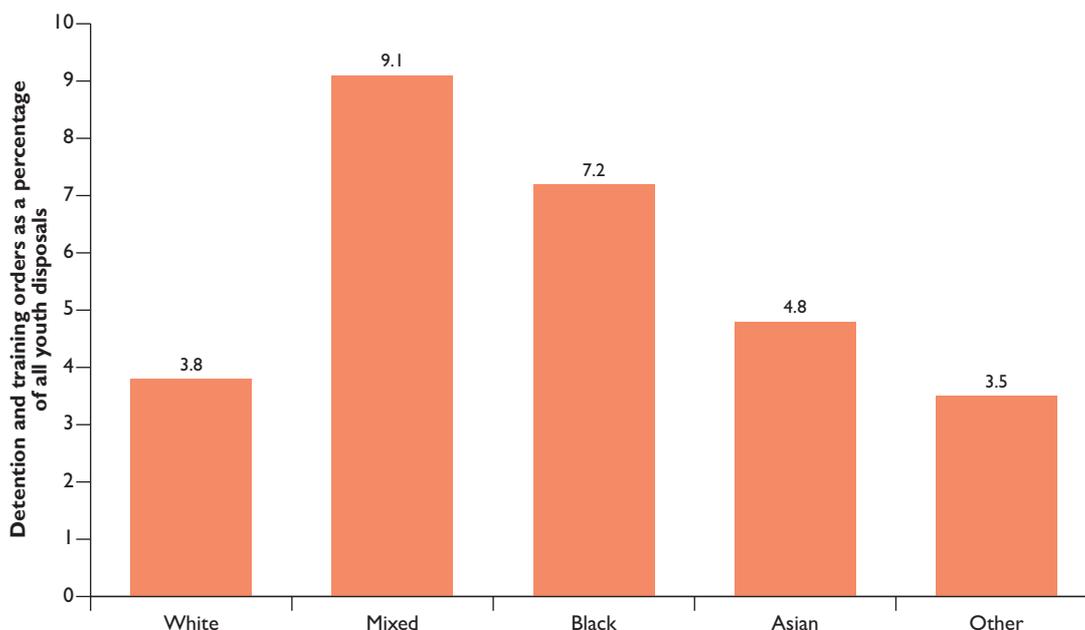
- Notes:
1. Numbers received: White 76,906; Black 10,254; Asian 2,687; Other 3,698.
  2. Excludes those whose ethnicity is unknown.
  3. Includes foreign nationals – 74% of whom are from BME groups (Source: Home Office (2003c)).
  4. Excludes recalls to custody after release on licence or parole, but includes those whose original sentence was reactivated because of a new offence committed during the 'at-risk' period.

For the present, Figure 3.13 raises as many questions as it answers. Comparing Black and White defendants, it shows a slight widening of the 'proportionality gap' over previous stages of the criminal process. Asian defendants, by contrast, are slightly less likely than White defendants to find themselves in prison. The available statistics cannot yet shed much light on the processes by which this has come about.

## Sentencing in the youth justice system

The youth justice system can provide information on custody rates by ethnic group. Figure 3.14 shows the proportion of 10–17 year-olds in the four ethnic groups who were given Detention and Training Orders<sup>51</sup> (DTOs), as a proportion of all court disposals. Of those found guilty, White offenders were about half as likely as Black offenders to receive a DTO and slightly less likely than Asian offenders, although slightly more likely than ‘Other’ defendants.

**FIGURE 3.14**  
**Detention and training orders as a percentage of all court disposals, 10–17 year-olds, by ethnic group, from Youth Justice Board data, 2002/03**



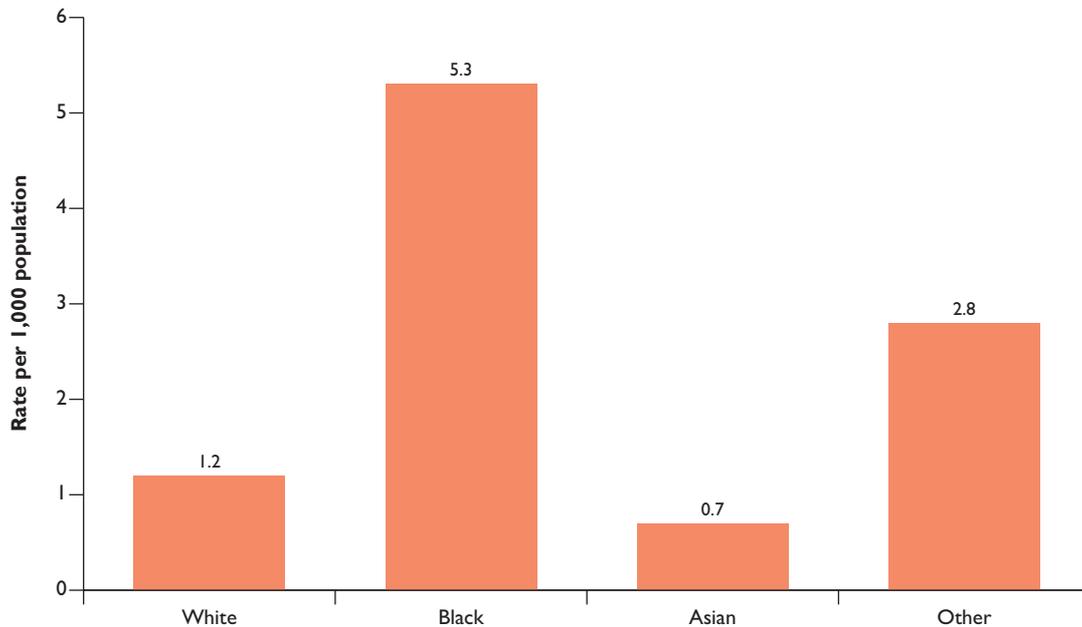
Notes: 1. Source: Youth Justice Board.

2. Numbers of court disposals: White 140,115; Mixed 2,246; Black 9,530; Asian 5,145; Other 1,775.

## The prison population

Figure 3.15 shows the ethnic breakdown of those in prison, per 1,000 population, in 2002. The Black prison population rate per 1,000 population is 4.4 times higher than the White one; the Asian rate is lower, and that for Other groups is a little more than twice as high. Figure 3.15 excludes foreign nationals, a large proportion of whom would regard themselves as from BME groups.

**FIGURE 3.15**  
**Prison population by ethnic group, per 1,000 population, 2002/03**



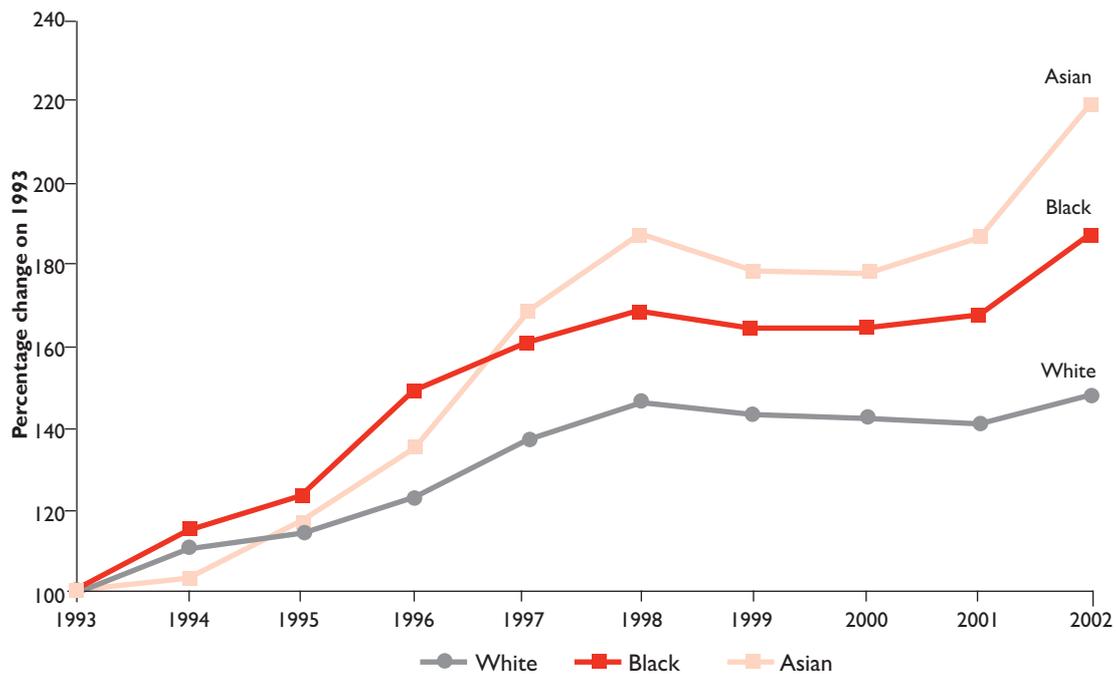
- Notes:
1. Source: Home Office (2003c).
  2. Numbers in prison: White 52,449; Black 6,933; Asian 1,594; Other 1,519. All groups 62,495.
  3. Includes juveniles and young adult offenders.
  4. Excludes foreign nationals.

## Trends in the prison population

The BME prison population increased by 124% in the ten years to 2002. The population of 'Chinese and other' prisoners increased the most in this period (by 183%)<sup>52</sup>. Figure 3.16 shows standardised trends in the prison population for ethnic groups from 1993 through to 2002. The figure shows 'indexed trends' with the 1993 figure indexed at 100. (This means that prison numbers for 1994 to 2002 are each expressed as a percentage of the 1993 figures.) Across the whole period the number imprisoned has increased for all groups; however, the rate of increase has been greater for those in Black and especially Asian groups than for White people.

**FIGURE 3.16**

**Prison population, percentage change on the 1993 population, by ethnic group, 1994–2002**



- Notes:
1. Source: National Offender Management Service, Offender Management Analysis. Section, Home Office, Research Development and Statistics Directorate.
  2. Includes juvenile and young adult offenders.
  3. Excludes foreign nationals.
  4. 'Other' ethnic groups have been excluded as numbers rose by almost 300% between 1993 and 1994, probably reflecting recording anomalies.

## Home detention curfews

In 2002, Prison Statistics<sup>53</sup> show that 20,525 were released under HDC: a release rate of 37%. This was 12 percentage points higher than the release rate in 2001<sup>xiv</sup>.

The rates of release for White and Asian prisoners (37%) and Black prisoners (36%) were very similar; for 'Chinese and other' prisoners, the release rates, at 57%, were much higher. Rates of release for different types of prisoner indicate that risk of reoffending was the key factor in the release decision.

<sup>xiv</sup>This increase reflects a number of changes: the introduction of the Presumptive Home Detention Curfew scheme in May 2002; the lifting in August 2002 of the exclusion from the presumptive scheme of those with previous convictions of drugs possession; and the increase of the maximum curfew period from 60 to 90 days from 16 December 2002. This last change affected all those with sentences of 8 months or more.

## Parole board

One recent study<sup>54</sup> has examined the relationship between ethnicity and the decision to grant parole applications. Previous research<sup>55</sup> had shown that prisoners of Asian and Chinese/other ethnicity were more likely to be granted parole than Black or White prisoners, but that this higher release rate stemmed from a greater likelihood that members of these groups fitted the parole criteria. Similarly, Moorthy et al (2004) found no evidence of differential treatment of BME prisoners, and concluded that differences in parole were likely to result from other characteristics associated with release. The two most important to emerge were the number of adjudications received during sentence, and being housed in an open prison.

## Deaths in custody

The Section 95 report 'Statistics on Race and the Criminal Justice System 2003' describes in detail the composition of deaths while in custody. In relation to deaths occurring in police custody, the latest Home Office data are for the year beginning April 2002<sup>56</sup>. In this year 21% (22/104) of those who died in police custody were from BME groups, compared to 10% (7/70) in 2001/02. However, figures for 2001/02 and 2002/03 are not directly comparable, as the criteria for inclusion in these statistics have been broadened. They now include all deaths following significant contact with the police.

Data supplied by the Prison Service to the Parliamentary Joint Committee on Human Rights<sup>57</sup> show that 89% of self-inflicted deaths in 2002 were of White inmates compared to their 78% share of the prison population. Deaths involving Asian prisoners accounted for 4% (compared to their 3% inmate population). The respective figures for Black prisoners were 5% and 15%. As of 4 August 2003, only 4 out of 58 inmate deaths in 2003 were of individuals of BME origin.

## Stocktaking

Surveys of the general population suggest that there is little difference between ethnic groups in offending rates. However statistics presented throughout this chapter point to some disproportionate representation of some BME groups. It seems likely that self-report surveys accurately reflect the picture for the generality of the population – whether from White or BME groups. By contrast, the statistics of criminal justice agencies reflect differences that relate to the small minorities of people in each ethnic group who are extensively involved in crime.

Where disproportional BME representation within the criminal process occurs, this needs to be understood as a consequence of a complex dynamic of historic discrimination and over-policing, coupled with relative social and economic disadvantage, and related offending. We have seen that most – though not all – BME groups to greater or lesser extent experience social and economic deprivation. In large measure disproportional representation within the criminal process must be understood as a consequence of social exclusion. The histories of different BME groups, and patterns of discrimination to which they have been exposed, also need to be taken into account. Whatever the case, the criminal process is now characterised by marked disproportionality between ethnic groups, at many different stages.

## Chapter 4:

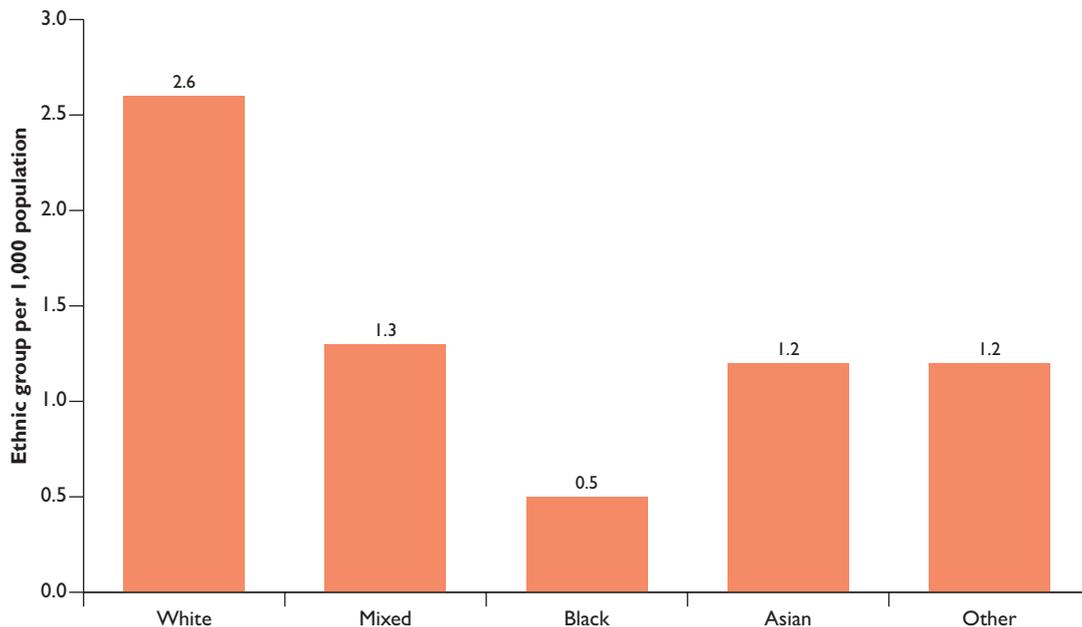
# Working in the criminal justice system

Recruitment of staff from BME groups into the workforces of criminal justice agencies has traditionally been poor, especially in relation to senior posts, though there have been marked improvements in recent years<sup>58</sup>. This chapter summarises what is known about the representation of ethnic groups within the main criminal justice agencies and the government departments that support them.

### Police Service

All BME groups continue to be considerably under-represented in the police service. Just under 3% of police officers were from BME groups in 2002/03; representation in ranks of inspector or above was lower at 2%. Figure 4.1 shows the number of police officers per 1,000 population for White and BME groups in England and Wales.

**FIGURE 4.1**  
**Police officers by ethnic group per 1,000 population**



Notes: 1. Ethnicity is not recorded for a large minority of staff, so results should be treated with caution.

Because of changes in the classification of ethnicity, precise trends in the ethnic composition of the police workforce cannot be provided, though it is clear that the under-representation of BME groups is reducing.

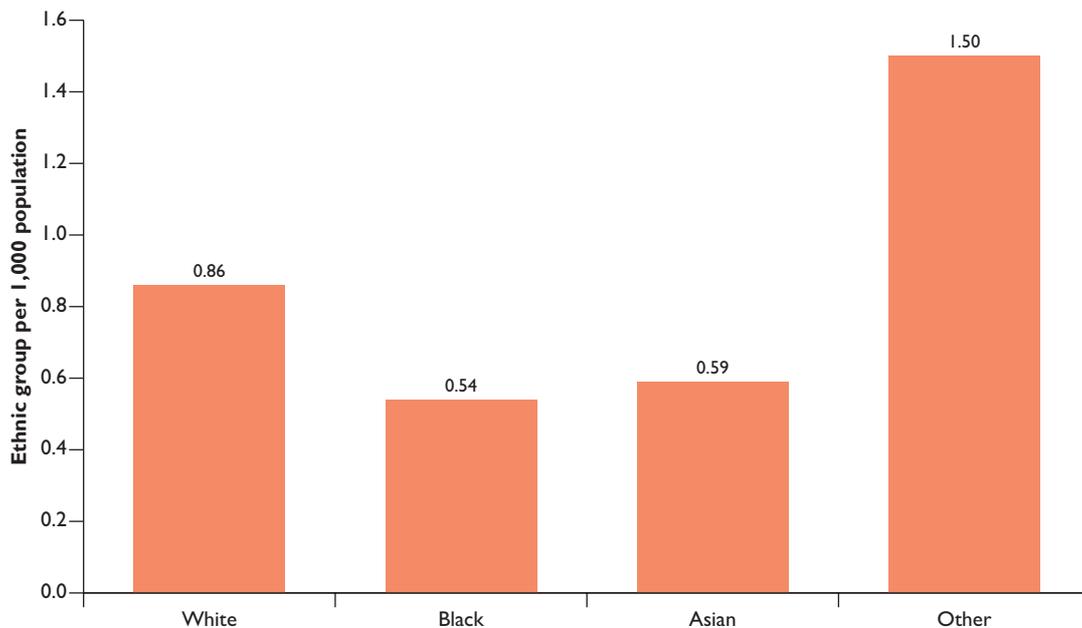
The rate at which officers left the service in 2002/03 was around 6% for both White and BME groups. The proportion of those from BME groups who resigned voluntarily – in contrast to ordinary or medical retirements – was lower for BME officers (1.4%) than for White officers (3.2%). However, 14.5% of all BME constables had been in the service for less than one year, compared to only 7.8% of all White officers. This suggests that among BME groups, a high number of resignations are offered after a short time.

Among Police Community Support Officers, who were introduced in 2002/03, 16% (of the total 1,176) were from BME groups.

## Prison Service

In total around 5% of prison staff were from BME groups in 2002/03, though missing data for 9% of the workforce mean that a precise estimate cannot be made. The BME composition of the Prison Officer grades was slightly lower, but numbers had increased over the previous year. Figure 4.2 shows that staff in 'Other' groups were over-represented amongst prison staff, and Black and Asian groups under-represented.

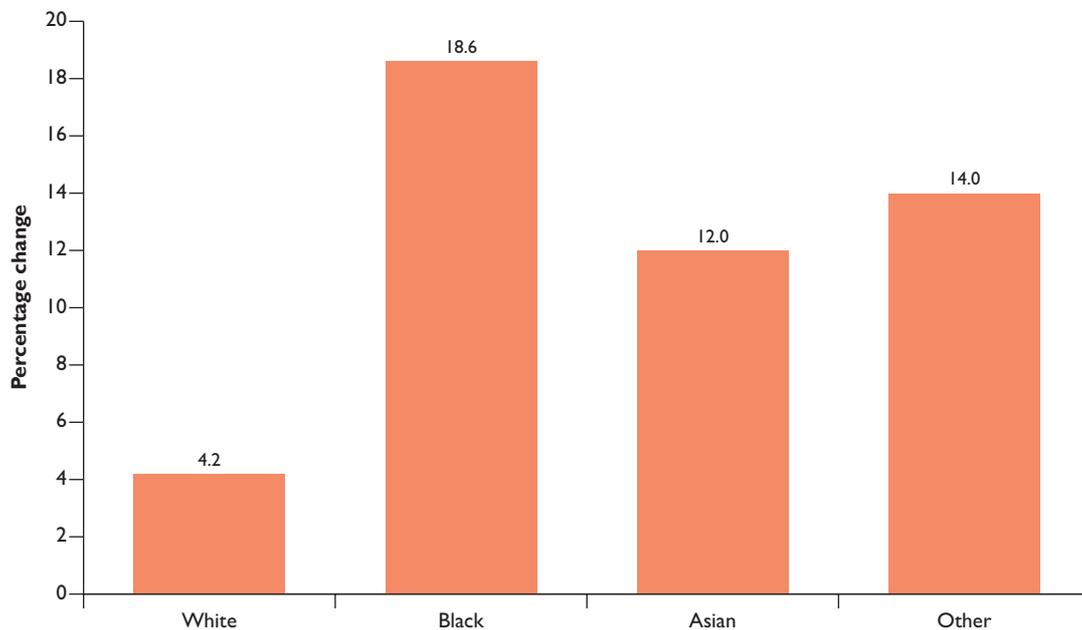
**FIGURE 4.2**  
**Police Service staff by ethnic group per 1,000 population, 2002/03**



- Notes:
1. Includes prison officers, governors, equivalent new Prison Service grades and other grades. Excludes civilian staff.
  2. Ethnicity is not recorded for a large minority of staff, so results should be treated with caution.
  3. Prison Service data for 2002/03 did not include a Mixed ethnicity category.

Numbers of staff from BME groups are growing slightly faster than White staff. This growth is steepest amongst Prison Officer grades: numbers of White officers grew by 2%, compared to 13% for both Black and Asian officers. Figure 4.3 shows the percentage growth for different ethnic groups.

**FIGURE 4.3**  
**Percentage change, ethnic groups in the Prison Service, 2001/02–2002/03**



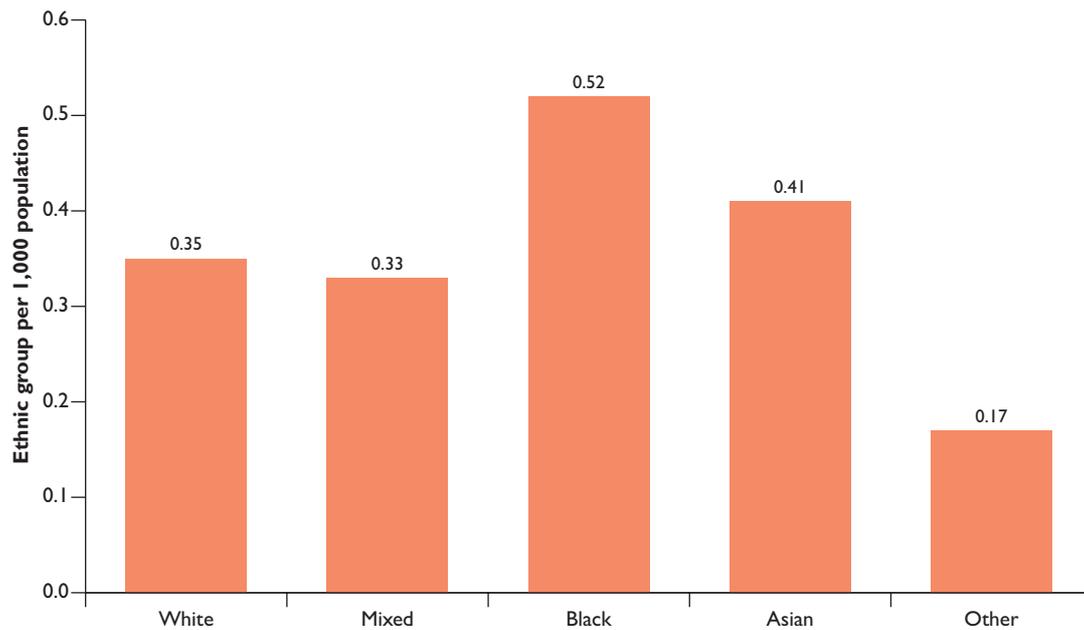
- Notes: 1. Includes prison officers, governors, equivalent new Prison Service grades and other grades. Excludes civilian staff.  
 2. Ethnicity is not recorded for a large minority of staff, so results should be treated with caution.  
 3. Prison Service statistics for 2002/03 did not include a Mixed ethnicity category.

Amongst Governor grades there were no increases in numbers of Asian recruits, and the overall share of Governor grade posts fell slightly for all BME groups. However, caution should be exercised in drawing conclusions about trends, given the small number of people from BME groups in senior posts.

### National Probation Service (NPS)

Excluding missing data, 11% of the probation workforce were from BME groups in 2002/03. This figure already exceeds the Home Secretary’s target for 2009 of 8.3%<sup>59</sup>. The proportion of BME groups in main grade posts was 12% compared to 8% for senior grades and 10% for other grades. Fourteen per cent of people serving on probation boards were from BME groups. Figure 4.4 provides a breakdown of staff per 1,000 population. Black people were over-represented quite markedly and Asian people slightly, while those of Mixed and ‘Other’ ethnicity were under-represented.

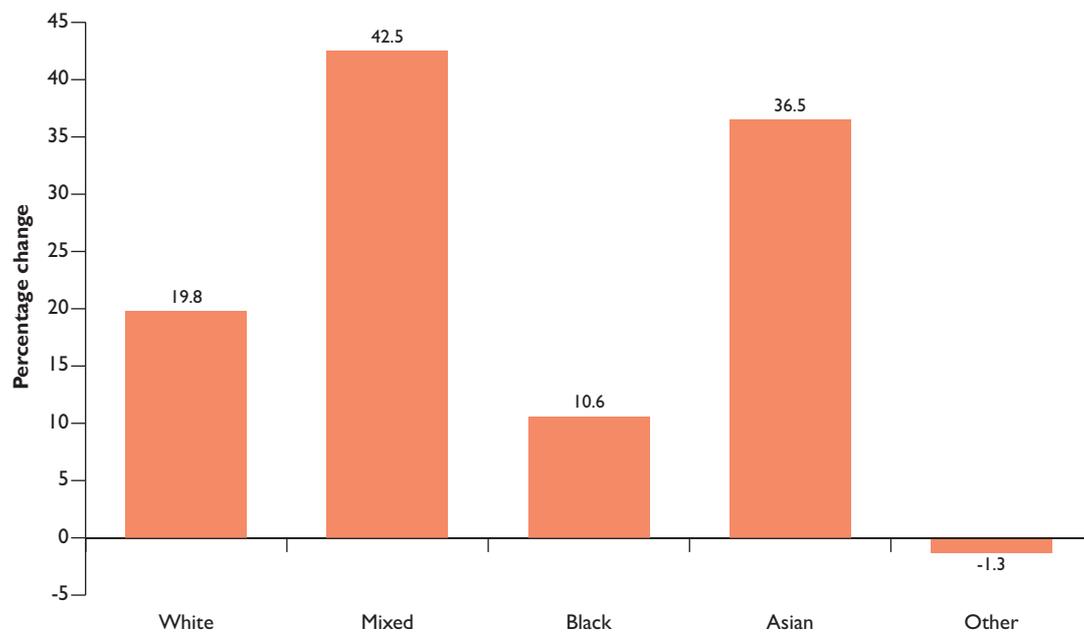
**FIGURE 4.4**  
**National Probation Service staff by ethnic group per 1,000 population, 2002/03**



Notes: 1. Includes main grades, senior grades and other staff, including hostel wardens.

Figure 4.5 shows trends. Over the last year numbers of Mixed and Asian staff have grown more rapidly than White staff, who in turn have risen at twice the rate of Black employees. The number of staff of 'Other' origin has fallen slightly. The number of main grade probation officers rose by 1.3% in 2002/03. Totals for main grade Black and Asian officers increased by 10% and 13% respectively.

**FIGURE 4.5**  
**Percentage change, ethnic groups in the National Probation Service, 2001/02–2002/03**

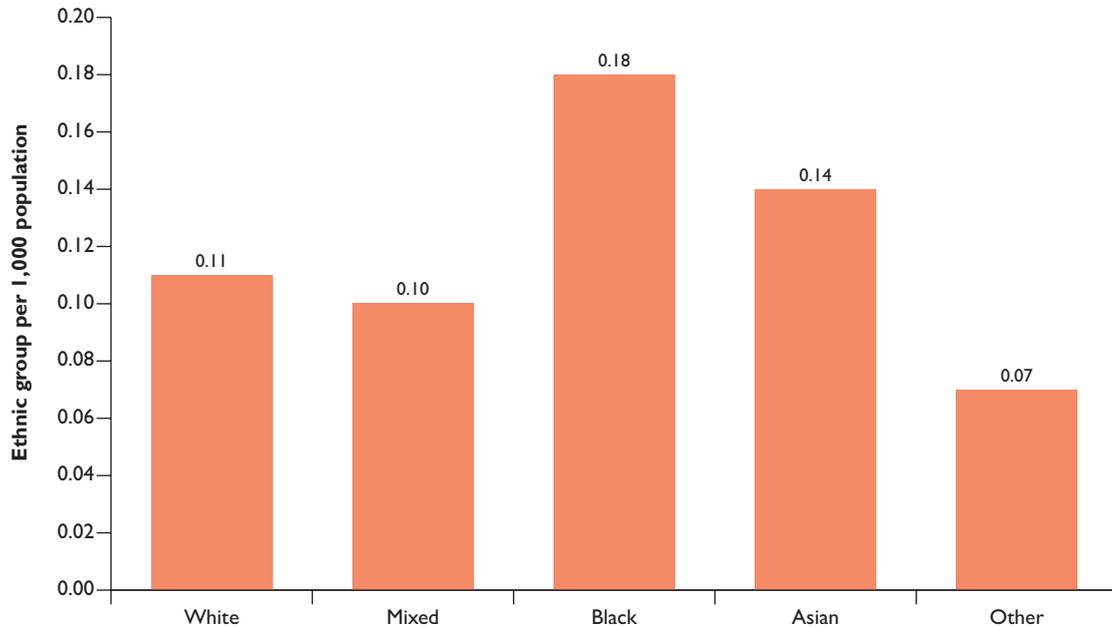


Notes: 1. Includes main grades, senior grades and other staff, including hostel wardens.

## Youth Offending Teams (YOTs)

BME groups accounted for 11% of the total YOT workforce in 2002/03, a fall of 2% on the previous year. As with Probation Service staff, Black and Asian people were over-represented and those of Mixed and 'Other' origin slightly under-represented in the YOT workforce in 2002/03 (Figure 4.6). There are clear differences according to the professional background of staff; the highest level of representation of BME groups was amongst those from social services (14%); the lowest was amongst police officers (3%).

**FIGURE 4.6**  
**Youth Offending Teams staff by ethnic group per 1,000 population, 2002/03**

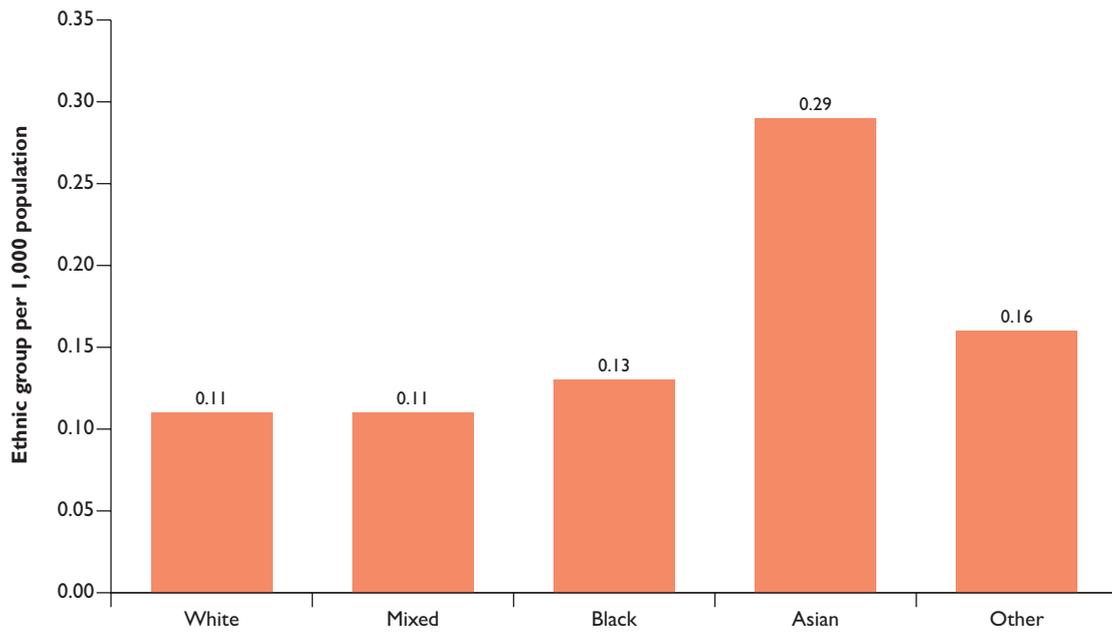


Notes: 1. Includes managers (YOT managers, deputy managers and unit managers), police, probation, social services, education, health, administration and 'other' staff.

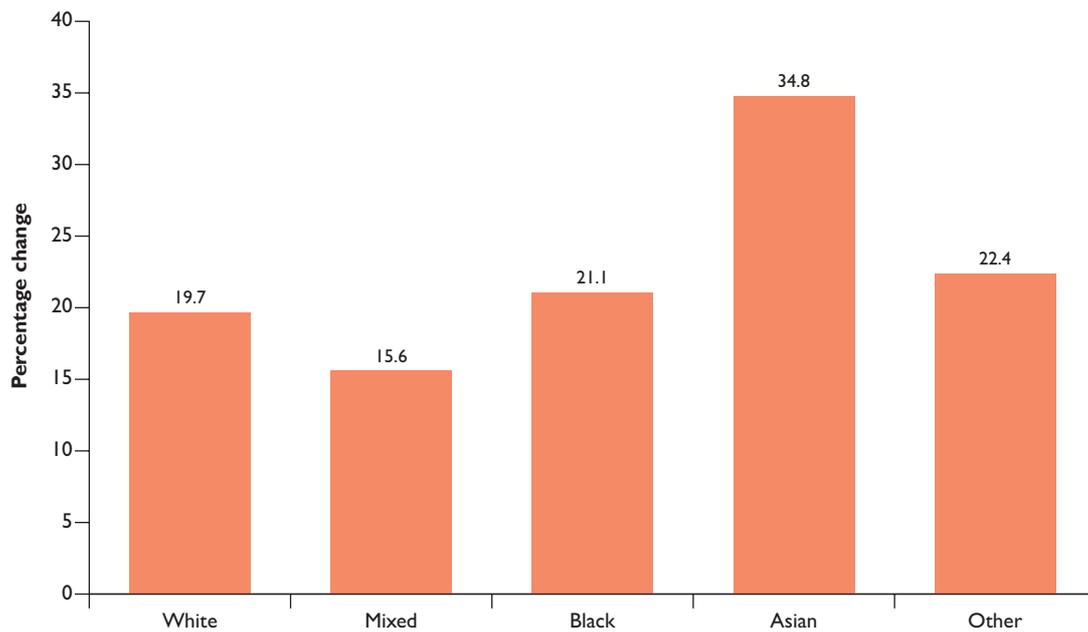
## Crown Prosecution Service (CPS)

BME employees made up 13% of the CPS workforce in 2002/03, excluding missing data<sup>60</sup>. This compares with the 2002 Labour Force Survey benchmark of 7.8 per cent. Figure 4.7 shows that both Black and Asian people are now over-represented amongst Crown Prosecution Service staff. However, BME staff work mainly in the Service's lower grades, and are under-represented at headquarters. Despite this, the proportion of BME staff at Senior Civil Service (SCS) levels in the CPS is higher than the Civil Service average – although there has been a small fall since April 2001. Figure 4.8 shows that representation of all BME groups has risen slightly faster than for White people across the CPS in the last year.

**FIGURE 4.7**  
**CPS staff by ethnic group per 1,000 population, 2002/03**



**FIGURE 4.8**  
**Percentage change, ethnic groups in the CPS, 2001/02 – 2002/03**



Notes: 1. Figures 4.7 and 4.8 include administrators and lawyers.

## Courts

Information on the ethnic origins of the magistracy is fairly complete. BME groups accounted for 6% of the total number of magistrates in 2002/03. Two per cent were Black, 3% Asian, and 1% from other BME groups. Five per cent of District Judges (previously called stipendiary magistrates) were from BME groups, mostly Asian. For Crown Court sentencers, data are adequate only for Recorders, of whom 3% are from BME groups. Seven per cent of magistrates' court staff were from BME groups in 2002/03, reflecting a rapid growth since 2001/02. However, of the 140 people in senior posts, only one is from a BME group. Reliable figures for Crown Court staff are not yet available.

## Government departments

Statistics on the ethnicity of staff in both the Home Office and the Department for Constitutional Affairs are very incomplete. The Home Office has returns on just over half of its staff. Excluding missing data, around a quarter of staff are from BME groups. The proportion of BME staff decreases the higher the grade of staff. In the Department for Constitutional Affairs returns are missing for a third of staff. Excluding missing data, approaching one in five staff were from BME groups. As with the Home Office, BME groups were over-represented in junior posts and under-represented in senior ones.

## Stocktaking

The picture to emerge on the employment of BME groups in the criminal justice system is variable, both in substantive terms and in terms of quality of statistics. The main agencies now hold much better information on the ethnicity of their employees than they did a few years ago, although data remain patchy for Crown Court sentencers, for some agency workforces and for government departments. It is clear that all the main BME groups continue to be under-represented in the police service, although the picture is more encouraging for those of Mixed, Asian and 'Other' origin. By contrast, there has been a growth in representation of Black people in prison, probation and youth justice workforces. Asian people continue to be slightly under-represented in all three agencies, however. A consistent finding across agencies, even those in which BME groups are well-represented, is that proportions of BME staff shrink progressively at each level of organisations' hierarchies.

## Chapter 5:

# Responses to crime and justice

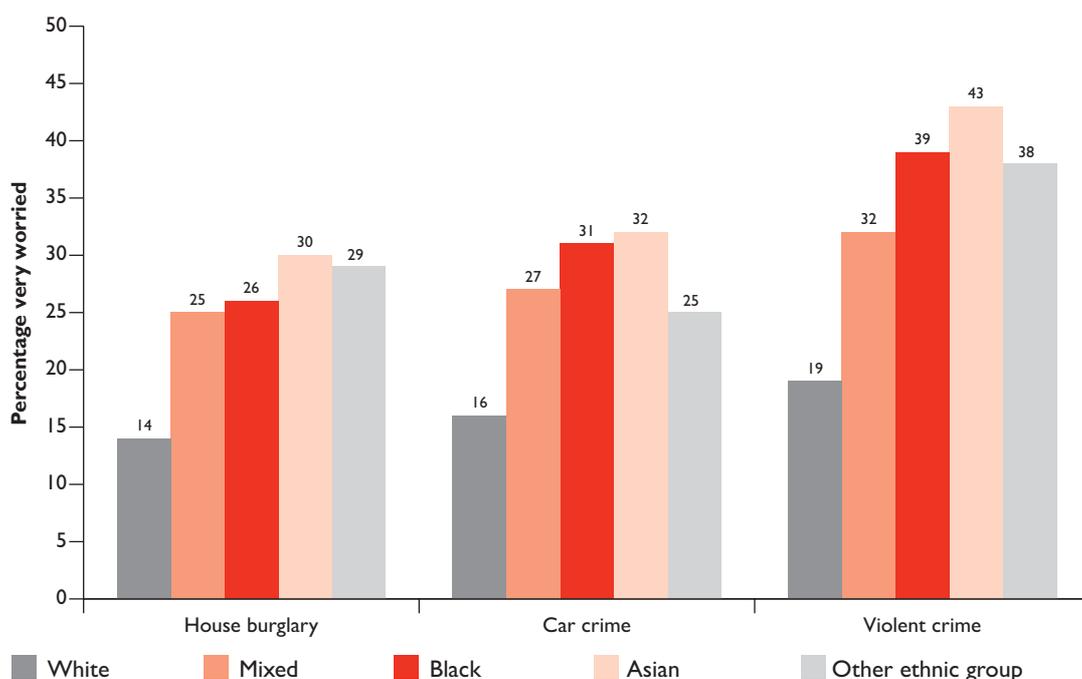
It is important to take stock not simply of people's experiences of crime and justice – whether as victim, suspect or offender – but of people's perceptions of the system and their responses to it. To operate effectively the criminal justice system has to command legitimacy amongst the general public. For this to happen people have to be confident that the system operates fairly and effectively. This chapter draws on the British Crime Survey (BCS) and other surveys to assess similarities and differences between ethnic groups in their responses to crime. It covers worry about crime, views on the criminal justice system's competence and effectiveness and views on its fairness and integrity.

### Worry about crime

The BCS asks people how worried they are about a range of crimes. Figure 5.1 presents findings for 2002/03. It shows people in each of the main BME groups were more worried about burglary, car crime and violent crime than White people. These variations remained after allowing for demographic factors such as where people live. For burglary and violence, being from a BME group is one of the main predictors of worry<sup>61</sup>.

**FIGURE 5.1**

**Worry about crime by ethnic group – percentage “very worried”, BCS findings, 2002/03**



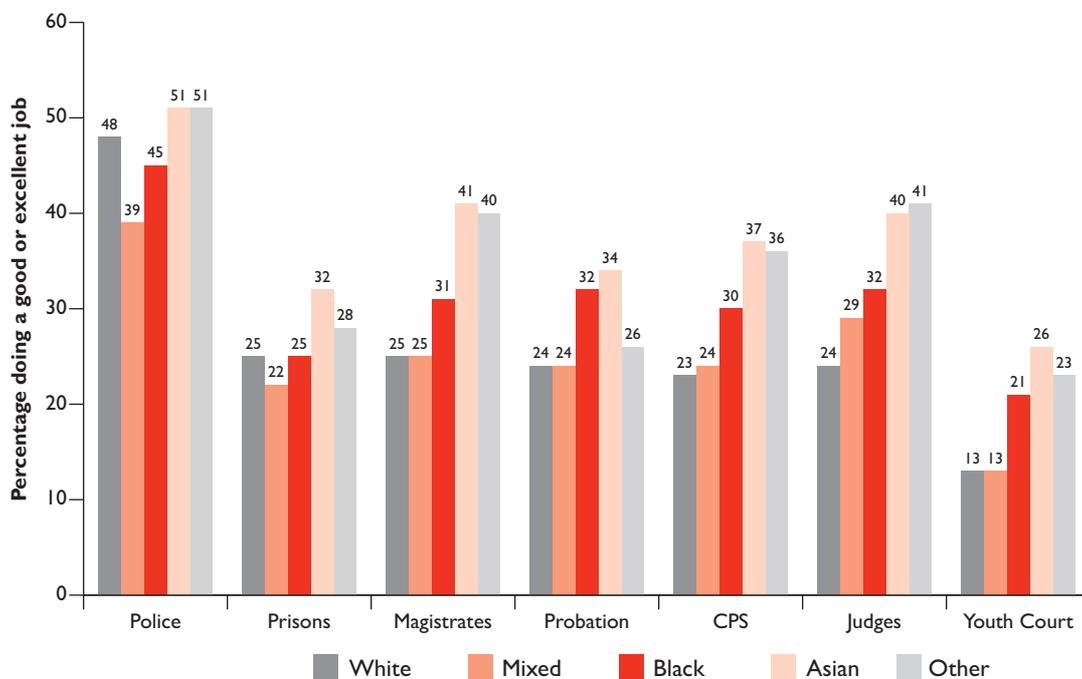
Notes: 1. Source: Salisbury and Upson (2004).  
2. Excludes 'don't knows'.

The BCS includes further questions about people's sense of safety, and not all of these show BME groups to feel less safe than White people. For example people are asked how safe they feel in their area out alone at night. In the 2000 survey around one in eight said that they felt "very unsafe". BME respondents were no more likely than others to say that they felt very unsafe<sup>62</sup>.

## Effectiveness

The BCS asks respondents how good a job they think a range of criminal justice agencies do. Figure 5.2 presents a breakdown by ethnic group. The most striking finding is that Asian respondents and, with the exception of the Probation Service, those in the 'Other' BME group category, rate each of the seven agencies more highly than the remaining ethnic groups. Black respondents also rated the magistrates, the Probation Service, the CPS, judges and the youth courts more highly than White people. They rate prisons equally to White respondents and the police marginally lower. Those of Mixed origin showed the lowest police rating of all groups.

**FIGURE 5.2**  
**Criminal justice agencies doing a good or excellent job, by ethnic group, BCS findings, 2002/03**



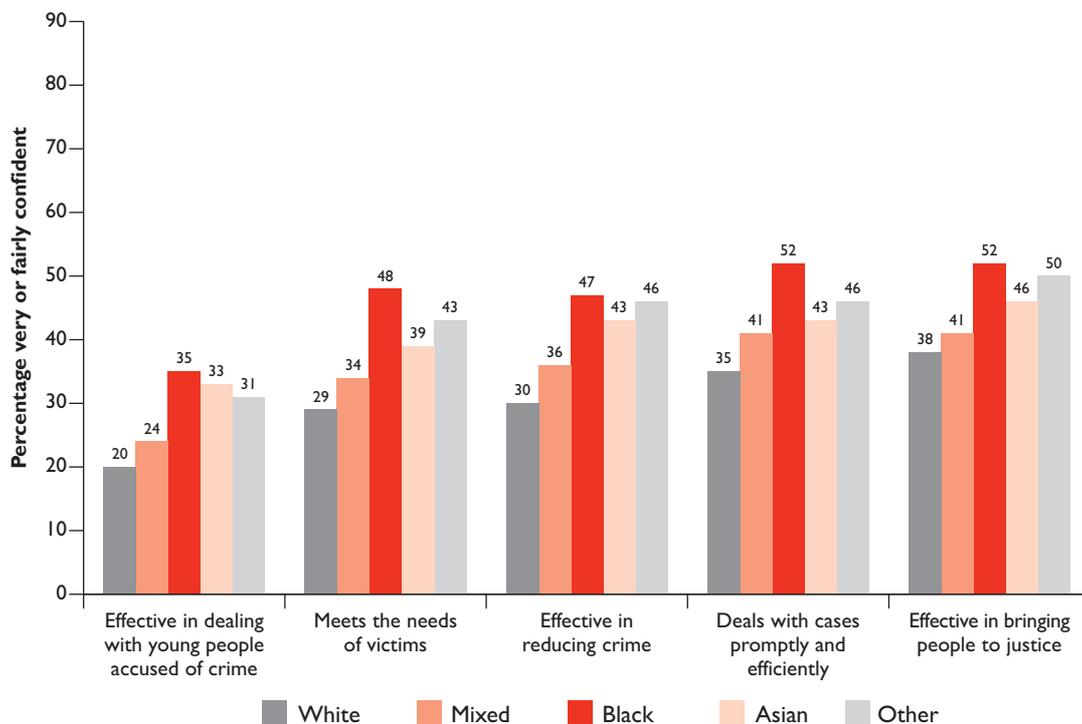
Notes: 1. Source: Nicholas and Walker (2004).  
 2. Excludes 'don't knows'.

Consistent with attitudinal research on justice over many years, the police attract higher ratings than any other agency amongst all ethnic groups, and are the only agency considered to be doing a good or excellent job by the majority of any single group.

Higher ratings on the part of BME respondents were found in other BCS questions about the effectiveness of the criminal justice system. For example 38% of White respondents were "very or fairly confident" that the criminal justice system was effective in bringing people to justice, and 30% were confident that it was effective in reducing crime. Corresponding figures for Black respondents were 46% and 43%, and for Asian people 52% and 47%.

Figure 5.3 shows the percentage of BCS respondents who reported feeling very or fairly confident in five aspects of the effectiveness of the criminal justice system. Respondents from Black, Asian and 'Other' groups gave significantly higher ratings than those offered by White people.

**FIGURE 5.3**  
**Confidence in the criminal justice system, by ethnic group, 2002/03**



Notes: 1. Source: Nicholas and Walker (2004).  
 2. Excludes 'don't knows'.

BCS ratings of victim satisfaction with police performance show few differences between victims from different ethnic groups. However a MORI survey commissioned by the Home Office found considerably lower scores of 'net satisfaction' amongst BME users of the police than amongst White users, with 18% of the former saying that they were "very satisfied" compared with 30% of the latter<sup>63</sup>.

The same MORI survey also produced some rather complex findings about confidence in the way that crime is dealt with by the criminal justice system. BME groups were significantly less confident than White respondents about performance *in the area where they lived*. However the converse was true for the way in which crime is dealt with *in England and Wales*: BME groups tend to be more confident than White respondents that crime is dealt with effectively nationally.

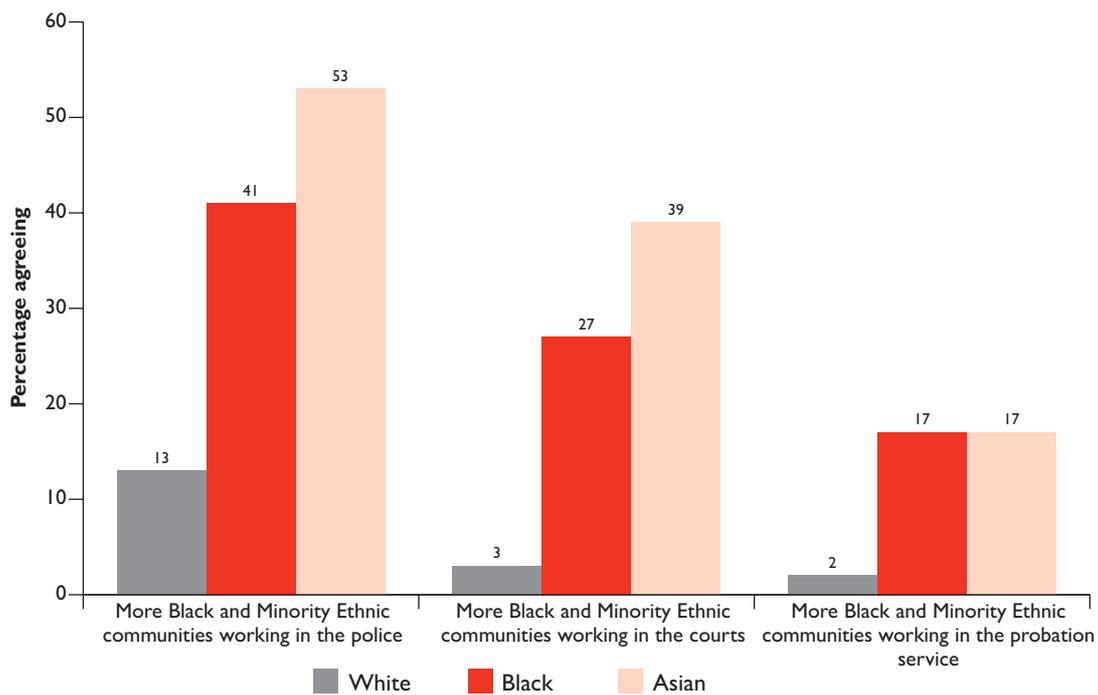
## Fairness, integrity and trust

Whilst people from BME groups tend to rate the *effectiveness* of the criminal justice system more highly than White people, the same is not true in regard to the system's fairness. The BCS asks respondents whether the criminal justice system respects the rights of people *accused* of crime and treats them fairly. Ratings were high overall in 2002/03, with approaching one in five being "very or fairly confident" that it did so. White respondents showed highest levels of confidence (78%) followed by Asian people (74%), Other groups (73%) and those of Mixed ethnicity (70%). Black respondents had significantly less confidence, with 65% saying that they were "very or fairly" confident. A MORI survey done for the Audit Commission supports this conclusion that BME groups tend to be less trusting of the system

than White people, and identified confidence in policing as a critical issue for the relationship between the police and the Black community<sup>64</sup>.

Local research conducted by MORI<sup>65</sup> found that 56% of Black respondents did not agree that the police treat people from BME groups as fairly as they treat White people. This compared with a rate of 16% among White respondents. This local research also asked whether increased recruitment of BME groups into various criminal justice agencies would be effective in making people feel safer. Responses, shown in Figure 5.4, revealed that White people consistently regarded this issue as less important than Black or Asian people, particularly when it came to working in the court system.

**FIGURE 5.4**  
**Responses to the question “Which one or two of these measures, if any, do you think would be helpful in making people feel safer?”, by ethnic group, from MORI survey, 2001**



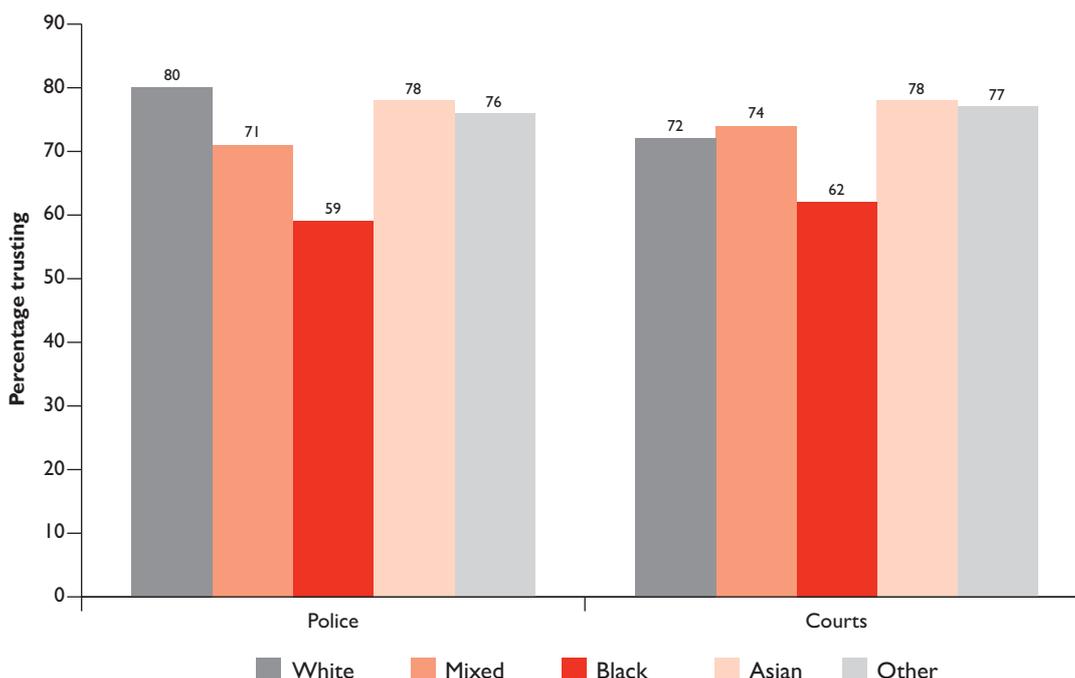
Note: 1. Source: MORI (2001b).

A study by Hood, Shute and Seemungal focused on defendants' and witnesses' perceptions of fairness<sup>66</sup>. Defendants were asked if they expected unfair treatment at their next court appearance. In the Crown Court 38% of Black defendants and 34% of Asian defendants said they did, slightly less than White people (40%). Greater disparity was found in magistrates' courts, where the equivalent rates were 39%, 35% and 15% per cent. However, low percentages of Black and Asian defendants in both the Crown Court (7%) and in the magistrates' courts (9%) felt their ethnic origin would be the reason for future disadvantage. Findings were especially encouraging given that the reactions of defendants were sought immediately after conviction and sentence, and that the sentences included imprisonment.

The Home Office Citizenship Survey<sup>67</sup> asked respondents how much trust they placed in a selection of public institutions. Figure 5.5 shows the results for the police and the courts<sup>xv</sup>. Black respondents rated both services less favourably than all other ethnic groups. However, both services received consistently higher ratings from all ethnic groups than the other three institutions whom respondents were invited to rate, these being local councils, politicians and Parliament.

xv No distinction was made between magistrates' courts and the Crown Court.

**FIGURE 5.5**  
**Percentage of people trusting public institutions a lot or a fair amount, by ethnic group, from Home Office 2001 Citizenship Survey**

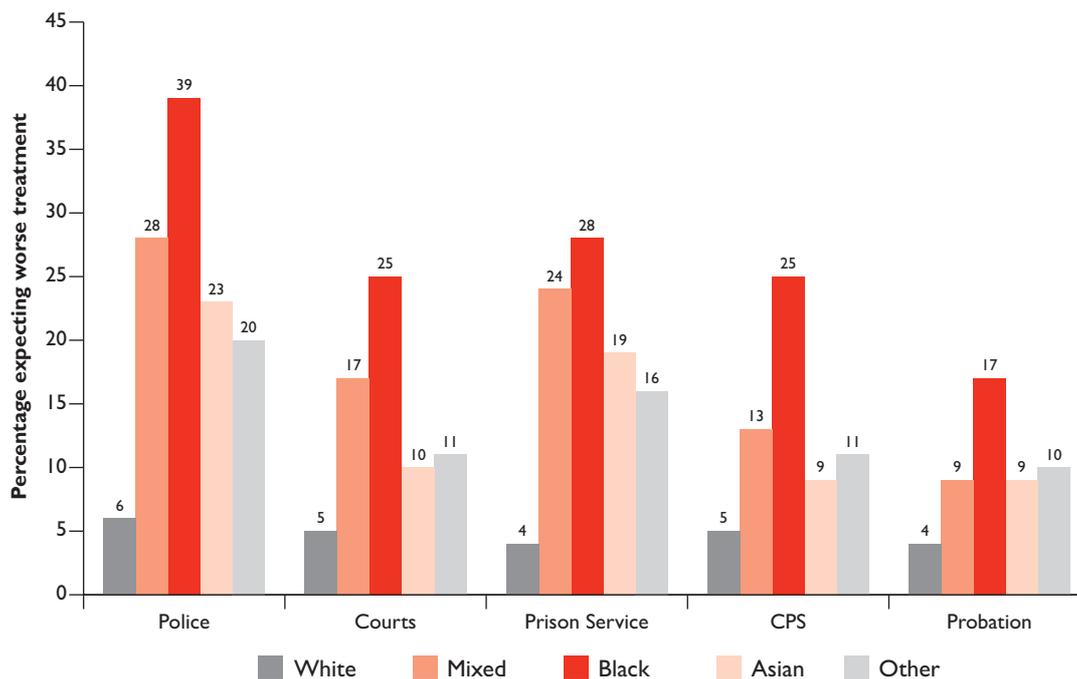


Notes: 1. Source: Attwood et al (2003).  
 2. Numbers asked about the police: White 9,210; Mixed 370; Black 1,771; Asian 3,108; Other 585.  
 3. Numbers asked about the courts: White 8,400; Mixed 318; Black 1,539; Asian 2,609; Other 489.

The Citizenship Survey also asked whether, in relation to a range of organisations, respondents expected to be treated worse than other ethnic groups as a member of the public using their services. Results for the five CJS agencies included are in Figure 5.6. People from all BME groups were more likely than White people to expect worse treatment. Differences were most marked in responses to treatment from the police and the Prison Service, especially when compared to Black respondents, who were six times more likely to expect unfair treatment by both of these agencies. Black respondents were more likely than any other ethnic group to expect worse treatment by each of the five agencies. In all, respondents were asked about 19 agencies. There were also variations by age within ethnic group for Black and Asian respondents, with younger people being more likely to believe that agencies<sup>xvi</sup> would treat them in a discriminatory fashion.

<sup>xvi</sup> Black people were asked about all five CJS agencies; Asian people about the police and the prison service only.

**FIGURE 5.6**  
**Percentage expecting other agencies to treat them worse than people of other races, as a member of the public using their services, by ethnic group, from Home Office 2001 Citizenship Survey**



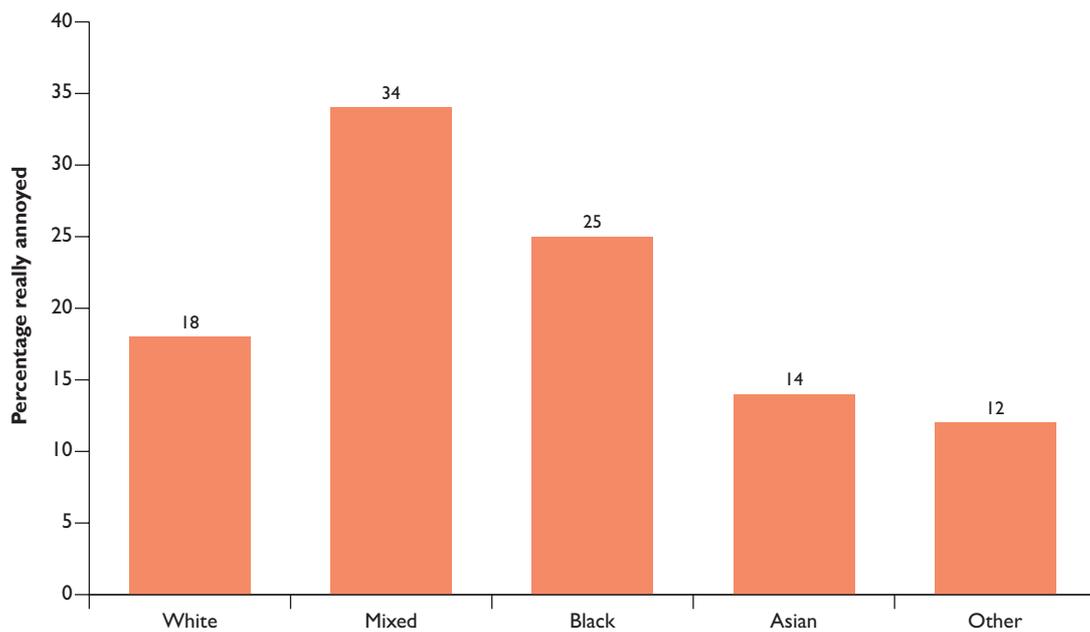
Notes: 1. Source: Attwood et al (2003).  
 2. Numbers of respondents: White 8,580; Mixed 348; Black 1,698; Asian 2,831; Other 417.  
 3. 'Other' excludes Chinese, for whom no figures were available.

## Annoyance with the police and complaints against the police

The BCS asks respondents if they have ever been really annoyed with the treatment that they or someone they know has received from the police over the last five years. Figure 5.7 shows that approaching one in five – 18% – of White people had been annoyed. A smaller proportion of Asian and Other respondents had been – 14% and 12% respectively. However significantly more Black respondents reported annoyance (25%), and the proportion of Mixed ethnicity respondents who were annoyed was 34%, almost twice the rate of White people.

**FIGURE 5.7**

**Percentage “really annoyed” with police behaviour in the previous five years, by ethnic group, BCS findings, 2002/03**



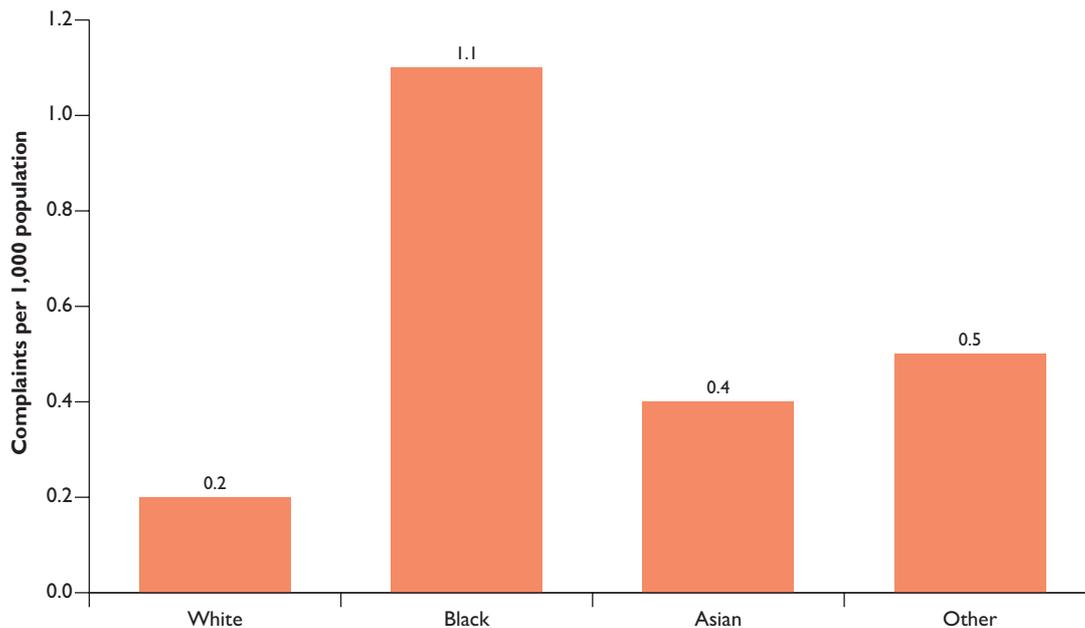
Notes: 1. Source: Nicholas and Walker (2004).

Figure 5.8 overleaf draws on police statistics to show complaints per 1,000 population in 2002/03. White people were less likely to make a complaint about the police than those from all BME groups. Black people were five to six times more likely to complain than White people, and Asian people were twice as likely as White people. Comparison with 2001/02 data shows there have been fewer complaints by all groups.

Specifically in relation to stops and searches, recent findings from the Police Complaints Authority<sup>68</sup> showed that:

- Black people were four times more likely to complain about stops and searches than about any other issue
- Black people were responsible for 44% of complaints about stops and searches
- a quarter of those complaining alleged racism
- Asian people made 8% of the complaints.

**FIGURE 5.8**  
**Police complaints by ethnic group per 1,000 population, 2002/03**



Notes: 1. Number of complainants: White 10,113; Black 1,364; Asian 823; Other 275.

## Complaints against the Probation and Prison Services

Complaints about the Probation and Prison Services are the responsibility of the Prisons and Probation Ombudsman for England and Wales. In 2002/03, the first full year in which the Ombudsman's office dealt with complaints about the Probation Service, a total of 192 were received.

The Annual Report<sup>69</sup> does not discuss the ethnicity of those making a complaint. However, recent research examining the views of 483 BME offenders under probation supervision reported positive findings in terms of fair treatment, which can be taken as an indicator of the likelihood or absence of a complaint<sup>70</sup>. In all, 86% reported feeling fairly treated by their supervising officer on their current order. Asked to draw on all their experience of the Probation Service and other CJS agencies, 78% said they had been treated fairly by the probation officer who had written their pre-sentence report, while a figure of 53% emerged in relation to the probation officer who had worked with them in court. These ratings compared well with those for representatives of other CJS agencies about whom interviewees were asked.

During 2002/03 the Ombudsman's Office received 3,132 complaints about the Prison Service, a rise of 15% on the previous year. As with probation cases, the ethnicity of those making a complaint is not noted in the Annual Report. However, analysis of questionnaires to the Ombudsman<sup>71</sup> between April and June 2003 shows the majority of those using the Ombudsman service were White. BME prisoners were generally less likely to be satisfied with the Ombudsman service. Their complaints were mainly about adjudications. They were more likely than White prisoners to feel that all the relevant issues of the complaint had not been explored. A higher proportion of complaints by BME prisoners were not upheld; however, overall numbers were very small, with BME prisoners accounting for eleven of the 66 respondents.

A study interviewing BME prisoners<sup>72</sup> found that a majority had experienced treatment that might warrant a complaint, and a sub-sample of these had made a complaint. The vast majority of these felt that they had not gained a positive or fair outcome<sup>73</sup>. The study concluded that

...institutional racism shows that the [Prison] Service fails in unacknowledged ways to provide fair treatment of minority ethnic prisoners. The mechanisms by which [prisoners] are disadvantaged are...often hidden.

## Stocktaking

Findings on attitudes to crime and justice are complex, and differences between ethnic groups are far from straightforward. BME groups are on several measures more anxious about crime. It is far from clear that BME groups lack confidence in the *effectiveness* of the criminal justice system, however: on average, BME groups tend to give it higher ratings than did White people.

The reverse is true for measures relating to *fairness* and trust. Several measures in a range of surveys show a gap between White and BME groups, with the latter trusting the system less than the former. There is more than enough evidence to point to a particular problem relating to lack of trust in the police amongst Black people. Experience of stop and search is an important reason for this, as reflected in levels of complaints, for example.

## Chapter 6:

# What is being done?

This report has reviewed research and statistics about Black and Minority Ethnic (BME) groups' experience of, and attitudes to criminal justice. Comparisons of BME and White groups show important differences. The statistics point to some worrying examples of disproportionality, and raise the possibility of discrimination at main points in the process. Further examination is needed to establish whether or not the causes of these differences are legitimate. Despite some changes over time, the main findings reflect trends of which government departments have been aware for many years. A great deal has been done to address the problems, especially in the wake of the report of the Stephen Lawrence Inquiry. The report on Race and the Criminal Justice System in 2002<sup>74</sup> described several initiatives aimed at tackling unequal treatment within the CJS, including the establishment of the Criminal Justice System Race Unit. This section describes the main steps taken by CJS departments and agencies since the last report.

### **Criminal Justice System Race Unit**

The Race Unit works across all CJS departments and agencies. It aims to get below the surface of race issues in the CJS, identifying barriers to equal treatment and ways to tackle them effectively. The Race Unit has a number of priorities, chosen after consultation with stakeholders and community groups.

#### **Sentencing**

The Unit's work aims to establish whether there is evidence of different sentencing between people in different BME and White populations whilst controlling for factors that properly affect sentences such as the nature and seriousness of the offence and other legal factors. If there is evidence of differences, the Unit will consider actions to counter them. If evidence is not found, the Unit will address the perception that such differences exist.

#### **Stop and search**

The Race Unit has formed a Stop and Search Action Team jointly with the Police Leadership and Powers Unit, the Terrorism and Protection Unit, and the Research, Development and Statistics Directorate of the Home Office. The team aims to:

- ensure that the police power is used fairly and as effectively as possible
- decrease disproportionality whilst increasing BME confidence in the use of the power.

Hazel Blears and Baroness Scotland, the two Home Office ministers with a specific interest in stop and search will oversee the team's work. Key elements<sup>75</sup> include:

- working intensively with a number of police forces to identify reasons for disproportionality and supporting them in developing their own action package. The results will feed into guidance on effective practice
- publishing comprehensive guidance on stop and search in December 2004
- delivering a research programme aimed at understanding the problem better.

### **Developing statistics to drive change**

Accurate, complete and meaningful data on how different ethnic groups fare within the CJS, both locally and nationally, are essential in order to tackle disparities. The Unit is working to make the statistics on Race and the CJS more informative and powerful in driving change. The first part of this work is this overview publication, aimed at providing the existing statistics to a broader audience and putting them into greater context. The next stage of work is a fundamental review of the statistics on Race and the CJS, the first time such an exercise has been carried out. The Race Unit has appointed consultants from Portsmouth University to carry out this work. The aim is to establish what statistics should be collected, how they should be collected and how to produce statistics which can effectively inform policy development and evaluation and provide a tool for local management. For more information or to take part in the review, please contact Tom Ellis (tom.ellis@port.ac.uk) or Chris Lewis (chris.lewis@port.ac.uk) or telephone Tom Ellis on 02392 843921.

### **Communicating with Local Criminal Justice Boards**

Change in the CJS has to be delivered by local agencies and Local Criminal Justice Boards<sup>xvii</sup> (LCJBs). In recognition of this, the Race Unit provides advice and information on good practice to LCJBs on their responsibilities for criminal justice and race. A broad spectrum of advice is given, including advice on race impact assessments, equality legislation, and community engagement. The Race Unit is to set up a national body to champion race across LCJBs. This will be a forum for LCJBs to assist each other and to disseminate good practice.

### **Victims and witnesses**

The Race Unit works with other CJS agencies to ensure clear, measurable actions to improve BME victim and witness satisfaction and to ensure that the experiences and requirements of BME victims and witnesses are incorporated into their work. Specifically, the Race Unit:

- works with the Confidence Unit<sup>xviii</sup> to ensure that BME issues are integral to delivering CJS customer initiatives
- supports the Victims Unit<sup>xix</sup> to deliver the action plan for BME victims and witnesses and provides guidance on mainstreaming BME issues in the context of the National Strategy on Victims & Witnesses
- has commissioned and received joint research with the Victims Unit into the needs of young Black men as victims of crime.

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xvii 42 LCJBs were established following publication in July 2002 of the Government's White Paper "Justice for All". The aim is to improve the co-ordination of criminal justice agencies in each area, and in turn enhance the county's performance and service to the public. Core membership is made up of Chief Officers of the main criminal justice system agencies. LCJBs are overseen by the National Criminal Justice Board (NCJB), which comprises Ministers, heads of all the criminal justice services and leaders of the criminal justice departments.

xviii The Criminal Justice System Confidence Unit is responsible for leading, co-ordinating and driving forward work on improving public confidence and satisfaction in the CJS, which is an important Public Service Agreement target. The Unit works with the three main Government CJS departments and with LCJBs.

xix The role of the Victims Unit is to co-ordinate the work of criminal justice and other Government departments, to develop services that support victims and witnesses and improve confidence and satisfaction in the CJ system. The Unit has the lead responsibility for implementing the Victims and Witnesses Strategy launched in July 2003.

## Police Service

The National Policing Plan 2004-07 set a key priority for the Police Service to provide a citizen-focused service to the public, which responds to the needs of individuals and communities and inspires confidence in the police, particularly amongst BME communities. An important mechanism for achieving this is the Policing Performance Assessment Framework, which includes new statutory indicators to measure fairness and equality across all sections of the community. The Home Office remains committed to embedding the recommendations of the Stephen Lawrence Inquiry Report. The Lawrence Steering Group, which oversees implementation of the recommendations, has developed a Community Involvement Strategy in order to communicate more effectively the progress that has been made. A series of seminars was held in Spring 2004 with BME communities. The strategy also aims to increase trust and confidence of BME groups in policing.

This report has demonstrated the continuing importance of stop and search as a factor in defining the different experiences of BME people of the CJS. In addition to the work of the Stop and Search Action Team (see above), the Home Office has taken other actions to ensure that stop and search is used fairly and effectively. The revision of the Code of Practice (PACE Code A) on stop and search in 2003 was an important step, setting out the criteria for 'reasonable suspicion' more clearly, and requiring the police to offer clear explanations for their actions to suspects. The Code also now places more emphasis on monitoring and supervision of searches by police authorities, local communities and first line supervisors. A phased implementation of Recommendation 61 of the Stephen Lawrence Inquiry Report is taking place<sup>76</sup>. This recommendation was that all police stops should be recorded, as well as searches. Seven sites across the country are now recording stops and an end date of April 1, 2005 has been set by which all forces should be doing so.

More effort has been invested in recruiting people from BME groups into the police. The number of BME officers has risen by over 50% since 1999. In January 2004 the Home Office jointly with the Association of Chief Police Officers and the Association of Police Authorities published an action plan<sup>77</sup> designed to help speed up progress towards achieving their employment targets. It outlines a series of actions, measures and tactical options to improve recruitment, retention and progression of BME officers and staff. Mechanisms include:

- placing the Action Plan within the context of the race equality duty under the Race Relations (Amendment) Act 2000
- setting the need for representative services within the context of achieving cultural change and improved service delivery
- local leaders raising staff awareness of the business case for achieving targets
- monitoring performance and ensuring responsibility for taking action where areas of weakness are identified
- structuring the roles of the Home Office, Chief Officers and Police Authorities to emphasise the responsibilities, duties and key roles of each in achieving representative services.

A thematic inspection, *Diversity Matters*, published by Her Majesty's Inspectorate of Constabulary in February 2003<sup>78</sup>, recommended improved race and diversity training in order to improve police performance and to meet the needs of diverse communities. Action is being taken against all the report's recommendations. There is a particular emphasis on an effective performance and development appraisal system as the key to making real progress towards cultural change. The goal is to have all staff assessed

against the National Occupational Standards. These include competencies for race and diversity, especially for senior and middle managers.

## **Department for Constitutional Affairs (DCA)**

The responsibilities of the Department for Constitutional Affairs include judicial appointments and the administration of both the Crown Court and magistrates' courts. The Secretary of State for Constitutional Affairs is committed to reforming the method of appointing judges, so that the diversity of the nation is reflected in the diversity of the judges. Ministers and officials have attended a rolling programme of events, aimed at demystifying the judicial appointments process and encouraging applications.

Area Advisory Committees, comprised of magistrates and non-magistrates, advise the Minister on recruitment. They also undertake recruitment initiatives including advertising in the BME media. In 2001, a magistrates' shadowing scheme was launched in partnership with Operation Black Vote. The scheme aims to address the deficit of BME communities within the magistracy and give magistrates the opportunity to improve their understanding of these communities. The second phase of the scheme was launched in July 2003. The Magistrates' Courts Service Inspectorate published a thematic inspection of race issues in May 2003. It is planned to review in 2004/05 the extent to which recommendations have been implemented. All Magistrates' Courts Committees have targets, which require the ethnic breakdown of staff to reflect the societies that they serve. The benchmark is the percentage of the local workforce from the BME population.

The DCA Courts and Diversity Research Programme examines whether the courts system (both criminal and civil) deals fairly and justly with the needs of a diverse and multi-cultural society and whether it appears to do so. A project on perceptions of unfairness, lack of trust and confidence was published in 2003<sup>79</sup>. Current projects include a study of ethnic diversity and the jury system and research into the experience of BME magistrates.

## **Youth Justice Board (YJB)**

The Youth Justice Board Corporate Plan for 2004/05 to 2006/07 contains a new target aimed at improving race equality in the youth justice system. The target is to ensure that Youth Offending Teams and secure facilities have action plans by April 2005 to achieve equal treatment at local level for different ethnic groups and deliver targeted prevention activity that substantially reduces local differences by ethnicity in recorded conviction rates.

The Board has engaged NACRO as its Development Support – Diversity team. This team has developed a strategy and action plan to tackle disproportionate sentences and disposals for BME young people in the youth justice system. There is evidence from research carried out for the Board that there is discrimination in some parts of the youth justice system. The causes are also believed to be linked to the higher exposure of BME young people to risk factors associated with offending. As a result, the Board has set itself the target of reducing disproportionate sentences and outcomes and will be monitoring YOTs on the proportion of BME young people receiving different disposals from April 2005. NACRO will continue to help the Board to raise the understanding of these issues across the youth justice system in 2004/05.

## Crown Prosecution Service (CPS)

Amongst CPS initiatives, three developments in relation to service delivery need particular highlighting. First, a Public Policy Statement on Prosecuting Racist and Religious Crimes was published in July 2003. Its purpose is to inform the public, especially those from faith and BME communities, how the CPS will prosecute such cases. Over 120 groups and individuals were consulted in the production of the Policy Statement, which was translated into twelve different languages. Supporting guidance for prosecutors was also produced. This was supplemented by extensive training for lawyers and a series of regional launches.

Second, in July 2003, the Attorney-General published his Review of the Role and Practices of the CPS in Cases Arising from a Death in Custody. An extensive consultation exercise informed the Review, including meetings with families of those who had lost relatives whilst in custody and a seminar attended by over 80 people. The Review made a number of recommendations regarding communicating with families, training, and effective management of caseloads. The CPS has since enacted most recommendations.

Third, *Race for Justice*, the Executive Summary of the Diversity Monitoring Project, was published in October 2003<sup>80</sup>. The project examined whether bias or discrimination occurs at each stage of the prosecution process. Over 15,000 CPS files were examined. Whilst there were no statistically significant findings of bias or discrimination, the study indicated the possibility of a number of adverse trends emerging. The CPS is now addressing the report's recommendations, working jointly with the National Black Crown Prosecutors' Association (NBCPA). For example, it has tightened up on quality assurance of case management to ensure that casework can be more effectively monitored. Joint working with the NBCPA was itself a recommendation of the report.

In relation to employment issues, a review of the recruitment, selection and promotion process was carried out in 2002/03 and recommendations are being implemented. The CPS continues to support Pathways, a leadership development programme to identify and develop BME senior managers with potential to reach the Senior Civil Service. There is to be an impact assessment under the Race Equality Scheme to better understand the variations between different ethnic groups in performance appraisal ratings and the application of the disciplinary procedure.

## National Probation Service (NPS)

The National Probation Service through its Diversity Strategy<sup>81</sup> has a number of initiatives for the recruitment, retention and progression of BME staff. Targets include increasing Asian representation by 20%. Part of the strategy is for the Service to connect with local communities and raise its profile. The Service has attended Asian recruitment events to pursue this aim. In order to retain and support BME staff, the NPS funds two staffing associations, the Association of Black Probation Officers (ABPO) and the National Association of Asian Probation Staff (NAAPS). There is a target of 7% BME staff at senior levels by 2009. An initiative has been set up to allow BME senior managers to shadow the Director General, enabling an insight into strategic decision-making. Another current initiative is the 'Accelerate' project for BME and disabled middle and senior managers. It aims to enable participants to deploy their skills, knowledge and understanding so as to realise their potential and to compete effectively for top jobs in the organisation.

Her Majesty's Inspectorate of Probation (HMIP) published in 2003 a follow-up to an earlier thematic inspection of race equality in the Service<sup>82</sup>. It found that most recommendations had been wholly or partially met. The overall quality of Pre-Sentence Reports about offenders had improved although

differentials in the quality of reports for different ethnic groups still continued. The Service accepted HMIP's findings and a strategy is being put in place to improve the areas of weakness identified. Research about the needs of Black and Asian offenders, commissioned by the National Probation Directorate, was published in March 2004<sup>83</sup>. An action plan is being prepared to address the recommendations.

## The Prison Service

The Prison Service has no control over the numbers of prisoners sent to it by the courts. However, it acknowledges that the number of BME prisoners remains disproportionately high. The service has a duty to ensure the needs of this group are adequately met and that they are not discriminated against whilst in its care. Concern about the state of the Prison Service's race relations was brought to the fore following the tragic death in March 2000 of an Asian teenager, Zahid Mubarak, by a racist prisoner at Feltham Young Offenders Institution. The Commission for Racial Equality (CRE) was invited to investigate his death and review more widely the Prison Service's performance on managing race relations. The CRE published two reports, the first into Zahid Mubarak's death, and the second, in December 2003, into the way the Prison Service practised race relations. This second report noted a lack of application by prison staff to prescribed policies, and a poor understanding of racial equality.

The CRE and Prison Service are now working together to address these weaknesses with the aim of promoting racial equality and improving the experiences of prisoners whilst in custody. They launched an action plan, *Implementing Race Equality in Prisons*, to strengthen improvements made in relation to race equality for prisoners by the Prison Service whilst the CRE investigation was under way. The plan provides a step by step approach to ensure the Service fully complies with its duty under the Race Relations (Amendment) Act 2000. The programme, which will be implemented and managed over the next five years, is divided into four parts:

- policies and standards: these will all be assessed for relevance to racial equality
- performance improvement: race equality is a core standard and will be mainstreamed within the service's management, operation and day-to-day work
- monitoring mechanisms and reporting systems: these will track progress
- employment, staff development and training.

## The National Offender Management Service (NOMS)

The National Offender Management Service will bring together the Prison and Probation services from June 2004. Martin Narey, the first Chief Executive of NOMS, has publicly stated his commitment to ensuring that diversity is fully integrated into all aspects of NOMS business.

## Home Office

The Executive Board recently approved a five year Race and Diversity programme to ensure that equality, diversity and fairness are embedded in culture, processes and policies. The programme includes ensuring all staff have diversity training, taking steps to test for prejudicial attitudes during recruitment, and a new mentoring scheme for under-represented groups of staff. Race and diversity are central to a review of Human Resources processes. The Home Office is revising its Race Equality Scheme and will undertake a fundamental review of race equality impact across its business. A Race Equality Advisory Panel was launched in 2003 to help the Home Office understand race equality better in its business.

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## Appendix

# Police force groupings for section 1 stop and search

<p><b>Band 1</b> Black and Minority Ethnic population range: 8.9% – 28.8%</p>	<p>Metropolitan/City of London West Midlands Leicestershire Bedfordshire West Yorkshire Greater Manchester</p>
<p><b>Band 2</b> Black and Minority Ethnic population range: 3.4% – 8.5%</p>	<p>Thames Valley Lancashire Hertfordshire Nottinghamshire Cambridgeshire Surrey Northamptonshire South Yorkshire Warwickshire Derbyshire Kent Sussex</p>
<p><b>Band 3</b> Black and Minority Ethnic population range: 2.3% – 3.4%</p>	<p>Avon and Somerset South Wales Essex Hampshire Staffordshire Cleveland Merseyside Gloucestershire Suffolk Northumbria Wiltshire West Mercia</p>
<p><b>Band 4</b> Black and Minority Ethnic population range: 0.7% – 1.9%</p>	<p>Gwent Dorset Humberside Cheshire West Mercia Norfolk North Yorkshire Lincolnshire Durham Devon and Cornwall North Wales Dyfed Powys Cumbria</p>

# Endnotes

- 1 Home Office, 2004a
- 2 Mirrlees-Black *et al.* (1998).
- 3 Stockdale *et al.* (2002).
- 4 Office of National Statistics (2003). The percentages in different ethnic groups in the population vary from those used in Figure 1 on p.v because data was not available for Mixed groups, for reasons explained on p.4.
- 5 Comparison of the 1991 Census with that for 2001 (Office for National Statistics) shows the growth for Great Britain between in this period to be 53%.
- 6 Scott *et al.* (2001).
- 7 Phillips and Bowling (2003).
- 8 Leslie *et al.* (1998).
- 9 Noted in Prime Minister's Strategy Unit (2003).
- 10 Mason (2000).
- 11 Commission for Racial Equality (1996).
- 12 Reported at [www.teachernet.gov.uk/management/atoz/index.cfm?component=topic&id=132](http://www.teachernet.gov.uk/management/atoz/index.cfm?component=topic&id=132)
- 13 Erens *et al.* (2001).
- 14 Note – the *general* population as distinct from the *remainder* of the population, therefore referring to the entire population of England *inclusive* of Black and Minority Ethnic groups.
- 15 Coid *et al.* (2000).
- 16 Attwood *et al.* (2003).
- 17 Greater London Authority (2003). The survey interviewed 8-14 year olds across eight London boroughs, and found that 80% of those interviewed had experienced racism – classed as name calling or verbal threats.
- 18 See Bowling and Phillips (2002) and Phillips and Bowling (2003) for a fuller discussion.
- 19 Fryer (1984).
- 20 Keith (1993).
- 21 See for example Nazroo (1997).
- 22 Modood *et al.* (1997).
- 23 Clancy *et al.* (2001).
- 24 See for example Percy. (1998).

- 25 Mixed group risks are not statistically significantly higher than for the Asian respondents.
- 26 Association of Police Authorities (2000), <http://www.apa.police.uk/>
- 27 For further details, see Burney, E and Rose, G (2002).
- 28 Crown Prosecution Service (2004b).
- 29 Bullock and Tilley (2002).
- 30 Whitehead (2001).
- 31 Hood *et al.* (2003).
- 32 Matthews *et al.* (2004).
- 33 Eg Flood-Page *et al.* (2000); Graham and Bowling (1995); Ramsay *et al.* (2001). In addition, a new Crime & Justice Survey is being conducted jointly by the National Centre for Social Research and the British Market Research Bureau. Intended by the Home Office to run alongside the British Crime Survey, the new survey will cover similar topics to the BCS, and also explore experiences of committing offences and contacts with the criminal justice system. Details are available at <http://www.homeoffice.gov.uk/irds/offendingcjs.html>
- 34 Aust and Smith (2003).
- 35 Kershaw *et al.* (2000).
- 36 These figures are for Great Britain.
- 37 Nicholas and Walker (2004). Many of the vehicle stops are likely to be under Section 163 of the Road Traffic Act 1988, for which stops are extensive but not recorded.
- 38 The differences between Black and White people for foot stops, and between Asian and White people for vehicle stops, are not statistically significant.
- 39 FitzGerald *et al.* (2002).
- 40 Clancy *et al.* (2001).
- 41 Clancy *et al.* (2001).
- 42 Appendix B lists which forces are in each category. The Metropolitan Police Service and the City of London Police have been treated as a single police force in these analyses.
- 43 Ayres *et al.* (2003).
- 44 Figures differ from those in the Home Office statistical bulletin because the figures for vehicle occupants do not include the number of vehicle stops – see Ayres *et al.* (2003).
- 45 For a fuller discussion see Bowling and Phillips (2002).
- 46 For a review of these, see FitzGerald (1993).
- 47 Denman (2001).
- 48 Barclay and Mhlanga (2000).
- 49 Hood (1992).
- 50 See Justice (2001) on other jurisdictions' experience of increasing sentences in relation to previous convictions.
- 51 This is a custodial sentence, and is the most punitive disposal available to sentencers when dealing with young offenders.
- 52 Councell (2003).
- 53 Home Office (2003c).

- 54 Moorthy *et al.* (2004).
- 55 Hood and Shute (2000).
- 56 Woodcock *et al.* (2003).
- 57 Wheatley (2003).
- 58 Home Office (2002). In addition, The Home Secretary set targets in 1999 for representation, retention and progression of BME staff in the following agencies: The Home Office (including the Immigration and Nationality Directorate), Police Service, Prison Service, Probation Service, Forensic Science Service, UK Passport Service and Immigration Service. The fourth annual report on these targets was published on 10th May 2004. (Home Office 2004c).
- 59 Home Office (2003a).
- 60 Crown Prosecution Service (2004a).
- 61 Nicholas and Walker (2004).
- 62 Clancy *et al.* (2001).
- 63 MORI (in press 2004)
- 64 MORI (2001a).
- 65 MORI (2001b).
- 66 Hood *et al.* (2003).
- 67 Attwood *et al.* (2003).
- 68 Police Complaints Authority (2004). The PCA was succeeded by the Independent Police Complaints Commission (IPCC) on 1st April 2004.
- 69 Prisons and Probation Service Ombudsman (2004).
- 70 Calverley *et al.* (2004).
- 71 Reported by Offender Management and Analysis Section, National Offender Management Service.
- 72 Edgar and Martin (2004). Results were consistent with previous research – for example, NACRO (2000).
- 73 Calverley *et al.* (2004).
- 74 Home Office (2002).
- 75 Stop and Search Policy Document, Home Office/Criminal Justice System Race Unit, June 2004.
- 76 For an evaluation of phased implementation see Olagundoye and Quinton (2004) See also MORI (2004) and Bland *et al.* (2000).
- 77 Home Office, ACPO and APA (2004b).
- 78 HMIC (2003).
- 79 Hood *et al.* (2003).
- 80 John (2003).
- 81 Home Office (2003b).
- 82 HMIP (2003).
- 83 Calverley *et al.* (2004)



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